

Environmental Protection Agency

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state is implementing an adequate enforcement program by evaluating the quality of compliance monitoring and enforcement actions.

(b) Such withdrawal of approval will occur only after the state fails to take appropriate action within a reasonable time, not to exceed 120 days after notice from the Administrator that the state is not administering and enforcing its program in accordance with the requirements of this part.

§ 281.61 Procedures for withdrawal of approval of state programs.

(a) The following procedures apply when a state with an approved program voluntarily transfers to EPA those program responsibilities required by federal law.

(1) The state must give EPA notice of the proposed transfer, and submit, at least 90 days before the transfer, a plan for the orderly transfer of all relevant program information necessary for EPA to administer the program.

(2) Within 30 days of receiving the state's transfer plan, EPA must evaluate the plan and identify any additional information needed by the federal government for program administration.

(3) At least 30 days before the transfer is to occur, EPA must publish notice of the transfer in the FEDERAL REGISTER; in enough of the largest newspapers in the state to attract statewide attention; and to persons on appropriate state mailing lists.

(b) When EPA begins proceedings to determine whether to withdraw approval of a state program (either on its own initiative or in response to a petition from an interested person), withdrawal proceedings must be conducted in accordance with procedures set out in 40 CFR 271.23 (b) and (c), except for § 271.23(b)(8)(iii) to the extent that it deviates from requirements under § 281.60.

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

Subpart A—General Provisions

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APPENDIX A TO PART 282—STATE REQUIREMENTS INCORPORATED BY REFERENCE IN PART 282 OF THE CODE OF FEDERAL REGULATIONS

AUTHORITY: 42 U.S.C. 6912, 6991 (c), (d), (e), (g).

SOURCE: 58 FR 58625, Nov. 2, 1993, unless otherwise noted.

Subpart A—General Provisions

§ 282.1 Purpose and scope.

This part sets forth the applicable state underground storage tank programs under section 9004 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6991c and 40 CFR part 281. "State" is defined in 42 U.S.C. 1004(31) as "any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the

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Commonwealth of the Northern Mariana Islands.”

§ 282.2 Incorporation by reference.

(a) Material listed as incorporated by reference in part 282 was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER.

(b) Copies of materials incorporated by reference may be inspected at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. Copies of materials incorporated by reference may be obtained or inspected at the EPA OUST Docket, 401 M Street, SW., Washington, DC 20460, and at the library of the appropriate Regional Office listed below:

(1) Region 1 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont): JFK Federal Building, Boston, MA 02203-2211.

(2) Region 2 (New Jersey, New York, Puerto Rico, Virgin Islands): Federal Office Building, 26 Federal Plaza, New York, NY 10278.

(3) Region 3 (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia): 841 Chestnut St. Building, Philadelphia, PA 19107.

(4) Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee): 345 Courtland St., NE, Atlanta, GA 30365.

(5) Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin): 77 West Jackson Boulevard, Chicago, IL 60604.

(6) Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas): 1445 Ross Avenue, Dallas, TX 75202-2733.

(7) Region 7 (Iowa, Kansas, Missouri, Nebraska): 726 Minnesota Avenue, Kansas City, KS 66101.

(8) Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming): 999 18th Street, Denver, CO 80202-2405.

(9) Region 9 (Arizona, California, Hawaii, Nevada, Guam, American Samoa, Commonwealth of the Northern Mariana Islands): 75 Hawthorne Street, San Francisco, CA 94105.

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(10) Region 10 (Alaska, Idaho, Oregon, Washington): 1200 Sixth Avenue, Seattle, WA 98101.

(c) For an informational listing of the state and local requirements incorporated in part 282, see appendix A to this part.

§§ 282.3—282.49 [Reserved]

Subpart B—Approved State Programs

§§ 282.50—282.52 [Reserved]

§ 282.53 Arkansas State-Administered Program.

(a) The State of Arkansas is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Arkansas Department of Pollution Control and Ecology, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Arkansas program on February 14, 1995 and it was effective on April 25, 1995.

(b) Arkansas has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Arkansas must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Arkansas obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Arkansas has final approval for the following elements submitted to EPA in Arkansas' program application for final approval and approved by EPA

on February 14, 1995. Copies may be obtained from the Underground Storage Tank Program, Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, AR 72219-8913.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Arkansas Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Arkansas Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include:

(1) *Arkansas Code Annotated, Title 8, Chapter 1, Subchapter 1—General Provisions:*

(i) § 8-1-107 Inspections—Definitions—Investigations—Inspection Warrant—Exceptions—Penalties

(2) *Arkansas Code Annotated, Title 8, Chapter 4, Subchapter 1—General Provisions:*

(i) § 8-4-103 Criminal, Civil, and Administrative Penalties

(3) *Arkansas Code Annotated, Title 8, Chapter 7, Subchapter 8—Regulated Substance Storage Tanks:*

(i) § 8-7-802 Department and commission—powers and duties

(ii) § 8-7-806 Penalties

(iii) § 8-7-809 Corrective actions—Orders of director

(B) The regulatory provisions include:

(1) *Arkansas Department of Pollution Control and Ecology Regulation Number 12—Storage Tank Regulation:*

(i) Chapter 2, Section 4: Access to Records

(ii) Chapter 2, Section 5: Entry and Inspection of Underground Storage Tank Facilities

(iii) Chapter 8, Section 1: Violations

(iv) Chapter 8, Section 2: Penalty Policy and Administrative Procedures

(iii) The following statutory and regulatory provisions are broader in scope

than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) Statutes.

(1) *Arkansas Code Annotated, Title 8, Chapter 7, Subchapter 8—Regulated Substance Storage Tanks.*

(i) § 8-7-802 Department's Powers and Duties (Insofar as it applies to aboveground storage tanks.)

(ii) § 8-7-805 License Requirement (Insofar as it applies to individuals other than UST owners and operators.)

(2) *Arkansas Code Annotated, Title 8, Chapter 7, Subchapter 9—Petroleum Storage Tank Trust Fund Act.*

(i) § 8-7-903 Rules and Regulations—Powers of department (Insofar as (c) addresses aboveground storage tanks.)

(ii) Reserved.

(B) Regulations.

(1) *Arkansas Department of Pollution Control and Ecology Regulation Number 12—Storage Tank Regulation.*

(i) Chapter 2, Section 6: Entry and Inspection of Aboveground Storage Tank Facilities (Insofar as it applies to aboveground storage tanks.)

(ii) Chapter 3, Section 1: Underground and Aboveground Storage Tank Registration Fees (Insofar as it applies to aboveground storage tanks.)

(iii) Chapter 5: Licensing of Tank Installers and Service Personnel (Insofar as it applies to individuals other than UST system owners and operators.)

Section 1: Purpose

Section 2: Definitions

Section 3: Applicability

Section 4: General Requirements

Section 5: Contractor Licensing

Section 6: Individual Licensing

Section 7: Experience Requirements

Section 8: Written Examination

Section 9: Approval of Comparable Licensing Programs

Section 10: Reciprocity

Section 11: Denial of Licenses

Section 12: Renewal of Licenses

Section 13: Duties and Obligations

Section 14: Department Approval of Training and Continuing Education

Section 15: Complaints

Section 16: Investigations; Enforcement; Penalties

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Section 17: Department Actions Against Licenses.

- (iv) Chapter 6: Licensing of Tank Testers (Insofar as it applies to individuals other than UST system owners and operators.)

Section 1: Purpose

Section 2: Definitions

Section 3: Applicability

Section 4: General Requirements

Section 5: Company Licensing

Section 6: Individual Licensing

Section 7: Experience Requirements

Section 8: Approval of Comparable Licensing Programs

Section 9: Reciprocity

Section 10: Denial of Licenses

Section 11: Renewal of Licenses

Section 12: Duties and Obligations

Section 13: Department Approval of Training and Continuing Education

Section 14: Complaints

Section 15: Investigation; Enforcement; Penalties

Section 16: Department Actions Against Licenses

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval", signed by the Attorney General of Arkansas on September 21, 1994, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Arkansas to EPA, September 21, 1994, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the original application on September 26, 1994, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application on September 26, 1994, though not incorporated by reference, are referenced as part of the approved underground storage tank program under

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Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 6 and the Arkansas Department of Pollution Control and Ecology, signed by the EPA Regional Administrator on February 14, 1995, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[61 FR 1214, Jan. 18, 1996]

§§ 282.54—282.59 [Reserved]

§ 282.60 Georgia State-Administered Program.

(a) The State of Georgia is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Georgia Department of Natural Resources, Environmental Protection Division, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the Georgia program on April 29, 1991 and it was effective on July 9, 1991.

(b) Georgia has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Georgia must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Georgia obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Georgia has final approval for the following elements submitted to EPA

in Georgia's program application for final approval and approved by EPA on April 29, 1991. Copies may be obtained from the Underground Storage Tank Management Program, Georgia Environmental Protection Division, 4244 International Parkway, Suite 100, Atlanta, GA 30354.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Georgia Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Georgia Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include the following sections of the Georgia Underground Storage Tank Act:

- 12-13-5—Rules and regulations; enforcement powers,
- 12-13-8—Investigations,
- 12-13-14—Corrective action for violations of chapter, rules, etc., and for release of regulated substance into environment,
- 12-13-15—Injunctions and restraining orders,
- 12-13-16—Hearings and review,
- 12-13-17—Judgement by superior court,
- 12-13-19—Violations; imposition of penalties,
- 12-13-20—Action in emergencies, and
- 12-13-22—Representation by Attorney General

(B) The regulatory provisions include the following sections of Rules of Georgia Department of Natural Resources, Environmental Protection Division, Underground Storage Tank Management:

- 391-3-15-.01(2)—Authority, and
- 391-3-15-.14—Enforcement

(2) *Statement of legal authority.* (i) "Attorney General's Certification of 'No Less Stringent' Objectives And 'Adequate Enforcement' Authorities Implementing The Underground Storage Tank Program", signed by the At-

torney General of Georgia on February 20, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the original application on February 20, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application in February 1990, though not incorporated by reference, are referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 4 and the Georgia Department of Natural Resources, signed by the EPA Regional Administrator on July 10, 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[61 FR 4225, Feb. 5, 1996]

§§ 282.61—282.64 [Reserved]

§ 282.65 Iowa State-Administered Program.

(a) The State of Iowa is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Iowa Department of Natural Resources, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the Iowa program on March 7, 1995 and it was effective on May 8, 1995.

(b) Iowa has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of

RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Iowa must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Iowa obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Iowa has final approval for the following elements submitted to EPA in Iowa's program application for final approval and approved by EPA on March 7, 1995. Copies may be obtained from the Underground Storage Tank Program, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa, 50319.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Iowa Statutory Requirements Applicable to the Underground Storage Tank Program, 1994

(B) Iowa Regulatory Requirements Applicable to the Underground Storage Tank Program, 1994

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: Code of Iowa, Chapter 455B, Sections 103(4), 109, 111, 112, 475, 476, 477 and 478.

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) Code of Iowa, Chapter 455B, Sections 113, 114 and 115 insofar as they apply to certified laboratories; 479 insofar as it applies to account dispersion; Chapter 455G, Sections 1–20 insofar as

they apply to the comprehensive petroleum underground storage tank fund.

(B) Iowa Administrative Code, Rule 567, Chapter 134.1–5 insofar as they apply to the registration of groundwater professionals; 135.3(4) insofar as it applies to farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.

(2) *Statement of legal authority.* (i) “Attorney General's Statement for Final Approval”, signed by the Attorney General of Iowa on December 22, 1993, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Iowa to EPA, dated December 22, 1993, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application in March of 1994, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application in March 1994, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 7 and the Iowa Department of Natural Resources, signed by the EPA Regional Administrator on June 22, 1994, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[60 FR 12632, Mar. 7, 1995]

§ 282.66 Kansas State-Administered Program.

(a) The State of Kansas is approved to administer and enforce an underground storage tank program in lieu of the federal program under subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Kansas Department of Health and Environment, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the Kansas program on June 6, 1994 and it was effective on July 6, 1994.

(b) Kansas has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Kansas must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Kansas obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Kansas has final approval for the following elements submitted to EPA in Kansas' program application for final approval and approved by EPA on June 6, 1994. Copies may be obtained from the Underground Storage Tank Program, Kansas Department of Health and Environment, Forbes Field, Building 740, Topeka, Kansas, 66620-0001.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Kansas Statutory Requirements Applicable to the Underground Storage Tank Program, 1994

(B) Kansas Regulatory Requirements Applicable to the Underground Storage Tank Program, 1994

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: Kansas Statutes Annotated, Chapter 65, Public Health, Article 34, Kansas Storage Tank Act, Sections 108, 109 and 113.

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) Kansas Statutes Annotated, Chapter 65, Article 34, Sections 105(2) insofar as it applies to aboveground storage tanks; (8) insofar as it applies to tank tightness tester qualifications; (11) & (12) insofar as it applies to licensing tank installers and fees for these licenses; (13) insofar as it applies to aboveground storage tanks; 106 insofar as it applies to aboveground storage tanks; 110 insofar as it applies licensing of tank installers and contractors; 111 insofar as it applies suspension of licenses; 112 insofar as it applies to agreements between secretary and local governments; 114 & 114a insofar as it applies to the storage tank release trust fund; 116 & 117 insofar as it applies to the storage tank release fund; 118 insofar as it applies to corrective action for aboveground storage tanks; 119-125 insofar as it applies to the storage tank release fund; 126 & 127 insofar as it applies to the third party liability insurance plan; 128 insofar as it applies to the storage tank fee fund; 129 & 130 insofar as it applies to the aboveground petroleum storage tank release trust fund.

(B) Kansas Department of Health and Environment Permanent Administrative Regulations, Chapter 28, Article 44, Section 18 insofar as it applies to registration of non-regulated underground storage tanks; 20-22 insofar as they require underground storage tank installers, tank tightness testers and contractors to be licensed; 23(b)(5) insofar as it applies to heating oil tanks.

(2) *Statement of legal authority.* (i) “Attorney General’s Statement for Final Approval”, signed by the Attorney General of Kansas on August 23, 1993, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Kansas to EPA, August 23, 1993, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application in September, 1993, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program description.* The program description and any other material submitted as part of the original application in September 1993, though not incorporated by reference, are referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 7 and the Kansas Department of Health and Environment, signed by the EPA Regional Administrator on April 29, 1994, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[59 FR 49212, Sept. 27, 1994]

§ 282.67 [Reserved]

§ 282.68 Louisiana State-Administered Program.

(a) The State of Louisiana is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State’s program, as administered by the Louisiana Department of Environ-

mental Quality, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the Louisiana program on July 24, 1992 and it was effective on September 4, 1992.

(b) Louisiana has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Louisiana must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Louisiana obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Louisiana has final approval for the following elements submitted to EPA in Louisiana’s program application for final approval and approved by EPA on July 24, 1992. Copies may be obtained from the Underground Storage Tank Program, Louisiana Department of Environmental Quality, 7290 Bluebonnet Road, Baton Rouge, LA 70810-1612.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Louisiana Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Louisiana Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include:

(1) *Louisiana Revised Statutes, Title 30*

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- § 2026 Citizen Suits
- § 2077 Remediation of Pollution
- § 2172 Policy and Purpose
- § 2275 Demand by Secretary; Remedial Action

(B) The regulatory provisions include:

(1) *Louisiana Environmental Regulatory Code, Part XI: Underground Storage Tanks, Chapter 15—Enforcement:*

- § 1501 Inspection and Entry
- § 1503 Failure to Comply
- § 1505 Investigations: Purposes, Notice

(iii) The following regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) *Louisiana Environmental Regulatory Code, Part XI: Underground Storage Tanks*

(1) *Chapter 13—Certification Requirements for Persons Who Install, Repair, or Close Underground Storage Tank Systems* [Insofar as it applies to individuals other than UST owners and operators.]

- § 1301 Applicability
- § 1303 Definitions
- § 1305 Categories of Certification and Requirements for Issuance and Renewal of Certificates
- § 1307 Certification Examinations
- § 1309 Approval of Continuing Training Courses
- § 1311 Denial of Issuance or Renewal of a Certificate or Revocation of a Certificate
- § 1313 UST Certification Board

(2) *Statement of legal authority.* (i) “Attorney General’s Statement for Final Approval”, signed by the Attorney General of Louisiana on September 12, 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Louisiana to EPA, September 12, 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application on October 15, 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application on October 15, 1991, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 6 and the Louisiana Department of Environmental Quality, signed by the EPA Regional Administrator on May 14, 1992, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[61 FR 1212, Jan. 18, 1996]

§ 282.69 Maine State-Administered Program.

(a) The State of Maine is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State’s program, as administered by the Maine Department of Environmental Protection, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Maine program on February 18, 1992, and the approval was effective on March 18, 1992.

(b) Maine has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 3007, 7003, 9005 and 9006 of RCRA, 42 U.S.C. 6927, 6973, 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Maine must revise its approved program to adopt new changes to the federal Subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Maine obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Maine has final approval for the following elements submitted to EPA in Maine's program application for final approval and approved by EPA on February 18, 1992. Copies may be obtained from the Underground Storage Tank Program, Maine Department of Environmental Protection, AMHI Complex-Ray Building, Hospital Street, Augusta, ME 04333. The elements are listed below:

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Maine Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Maine Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: Title 38 Maine Revised Statutes Annotated, Sections 561 through 570.

(B) The regulatory provisions include: Maine Regulations for Registration, Installation, Operation and Closure of Underground Oil Storage Facilities Chapter 691 Section 1 through 13.

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) Title 38 Maine Statutes Annotated, Section 565, insofar as it refers to registration requirements for tanks

greater than 1,100 gallons containing heating oil consumed on the premises where stored.

(B) Maine Environmental Protection Regulations Chapter 691, Section 6 regulations of heating oil facilities for consumption on premises, Section 9 facilities for underground storage of heavy oils.

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval", signed by the Attorney General of Maine on December 5, 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Maine to EPA, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the original application in November 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program description.* The program description and any other material submitted as part of the original application in December 20, 1991, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region I and the Maine Department of Environmental Protection, signed by the EPA Regional Administrator on November, 1992, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[61 FR 6555, Feb. 21, 1996]

§§ 282.70–282.78 [Reserved]

§ 282.79 New Hampshire.

(a) The State of New Hampshire is approved to administer and enforce an

underground storage tank program in lieu of the federal program under subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the New Hampshire Department of Environmental Services, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA's approval was effective on July 19, 1991.

(b) New Hampshire has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other applicable statutory and regulatory provisions.

(c) To retain program approval, New Hampshire must revise its approved program to adopt changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If New Hampshire obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this section and notice of any change will be published in the FEDERAL REGISTER.

(d) New Hampshire has final approval for the following elements submitted to EPA in New Hampshire's program application for final approval and approved by EPA on June 19, 1991, becoming effective on July 19, 1991. Copies may be obtained from the Underground Storage Tank Program, New Hampshire Department of Environmental Services, 6 Hazen Drive, Concord, NH 03302-0095.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) New Hampshire Statutory Requirements Applicable to the Underground Storage Tank Program, 1993.

(B) New Hampshire Regulatory Requirements Applicable to the Underground Storage Tank Program, 1993.

(ii) The following statutes and regulations are part of the approved state

program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: New Hampshire Revised Statutes Annotated (Supplement 1988) Sections 146-C:9a, 146-C:10, and 146-C:10a; 147 A:1 through 147-A:13; 541-A:1 through 541-A:10; 91-A:1 through 91-A:8.

(B) The regulatory provisions include: New Hampshire Code of Administrative Rules (1990) Part Env. C-602.08; Part He-P 1905.

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: New Hampshire Revised Statutes Annotated (Supplement 1988) Section 146-C:1.XII, insofar as it refers to heating oil for consumptive use on the premises where stored.

(B) The regulatory provisions include: New Hampshire Code of Administrative Rules (1990) Sections Env-Ws 411.01 and 411.02, insofar as they refer to heating oil for consumptive use on the premises where stored.

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval", signed by the Attorney General of New Hampshire on November 1, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of New Hampshire to EPA, November 1, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures For Adequate Enforcement" submitted as part of the original application in December 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program description.* The program description and any other material

submitted as part of the original application in December 1990, though not incorporated by reference, are referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of agreement.* The Memorandum of Agreement between EPA Region I and the New Hampshire Department of Environmental Services, signed by the EPA Regional Administrator on August 8, 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

§ 282.80 [Reserved]

§ 282.81 New Mexico State-Administered Program.

(a) The State of New Mexico is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the New Mexico Environmental Improvement Board, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the New Mexico program on August 21, 1990 and it was effective on November 16, 1990.

(b) New Mexico has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, New Mexico must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If New Mexico obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) New Mexico has final approval for the following elements submitted to EPA in New Mexico's program application for final approval and approved by EPA on August 21, 1990. Copies may be obtained from the Underground Storage Tank Program, New Mexico Environmental Improvement Board, 1190 St. Francis Drive, Santa Fe, NM 87503.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) New Mexico Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) New Mexico Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include:

(1) *New Mexico Statutes 1978 Annotated, Chapter 74, Environmental Improvement.*

(i) Article 4: Hazardous Wastes.

74-4-4.2 Permits; Issuance; Denial; Modification; Suspension; Revocation

74-4-4.3 Entry; Availability of Records

74-4-10 Enforcement; Compliance Orders; Civil Penalties

74-4-11 Penalty; Criminal

74-4-12 Penalty; Civil

74-4-13 Imminent Hazards; Authority of Director; Penalties

74-4-14 Administrative Actions; Judicial Review

(ii) Article 6: Water Quality.

74-6-7 Administrative Action; Judicial Review

74-6-10 Penalties Enforcement; Compliance Orders; Penalties; Assurance of Discontinuance

74-6-10.1 Civil Penalties

74-6-10.2 Criminal Penalties

74-6-11 Emergency; Powers of Delegated Constituent Agencies; Penalties

(iii) Article 6B: Ground Water Protection.

74-6B-5 Department's Right of Entry and Inspection

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(B) The regulatory provisions include:

(1) *State of New Mexico Environmental Improvement Board Underground Storage Tank Regulations.*

(i) Part X: Administrative Review.

§ 1000 Informal Review

§ 1001 Review By the Director on Written Memoranda

§ 1002 Public Participation

(2) *New Mexico Rules Governing Appeals From Compliance Orders Under the Hazardous Waste Act and the Solid Waste Act.*

(i) Part I: General Provisions.

§ 101 Authority

§ 102 Scope of Rules; Applicability of Rules of Civil Procedure

§ 103 Definitions

§ 104 Use of Number and Gender

§ 105 Powers and Duties of the Director, Hearing Officer, and Hearing Clerk

§ 106 Computation and Extension of Time

§ 107 Ex Parte Discussions

§ 108 Examination of Documents Filed

§ 109 Settlement; Consent Agreement

(ii) Part II: Document Requirements.

§ 201 Filing, Service, and Form of Documents

§ 202 Filing and Service of Documents Issued by Hearing Officer

§ 203 Compliance Order

§ 204 Request for Hearing; Answer to Compliance Order

§ 205 Notice of Docketing; Notice of Hearing Officer Assignment

§ 206 Motions

(iii) Part III: Prehearing Procedures and Discovery.

§ 301 General Rules Regarding Discovery

§ 302 Identity of Witnesses

§ 303 Production of Documents

§ 304 Request for Admissions

§ 305 Subpoenas

§ 306 Other Discovery

(iv) Part IV: Hearing Procedures.

§ 401 Scheduling the Hearing

§ 402 Evidence

§ 403 Objections and Offers of Proof

§ 404 Burden of Presentation; Burden of Persuasion

(v) Part V: Post-Hearing Procedures.

§ 501 Filing the Transcript

§ 502 Proposed Findings, Conclusions and Orders

§ 503 Recommended Decision

§ 504 Final Order by Director

§ 505 Judicial Review

(vi) Part VI: Miscellaneous Provisions.

§ 601 Liberal Construction

§ 602 Severability

§ 603 Supersession of Prior Rules

§ 604 Savings Clause

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) New Mexico Statutes 1978 Annotated, Chapter 74, Environmental Improvement.

(1) 74-4-4.4 Underground Storage Tanks; Registration; Installer Certification; Fees [Insofar as it applies to individuals other than UST owners and operators.]

(B) State of New Mexico Environmental Improvement Board Underground Storage Tank Regulations.

(1) Part I: General Provisions.

§ 103 Applicability [Insofar as it does not exclude UST systems with *de minimis* concentrations of regulated substances; emergency spill or overflow containment UST systems expeditiously emptied after use; UST systems that are part of emergency generator systems at nuclear power generation facilities; airport hydrant fuel distribution systems; and UST systems with field-constructed tanks; and does not defer emergency power generator UST systems.]

(2) Part XIV: Certification of Tank Installers [Insofar as it applies to individuals other than UST owners and operators.]

§ 1400 Purpose

§ 1401 Legal Authority

§ 1402 Definitions

§ 1403 Applicability

§ 1404 General Requirements

§ 1405 Contractor Certification

§ 1406 Individual Certification

§ 1407 Experience Requirements

§ 1408 Written Examination

§ 1409 On-Site Examination

§ 1410 Approval of Comparable Certification Programs

- § 1411 Denial of Certificates
- § 1412 Renewal of Certificates
- § 1413 Installer Duties and Obligations
- § 1414 Division Approval of Training and Continuing Education
- § 1415 Complaints
- § 1416 Investigations, Enforcement, Penalties
- § 1417 Division Actions Against Certificates

(2) *Statement of legal authority.* (i) “Attorney General’s Statement for Final Approval”, signed by the Attorney General of New Mexico on June 25, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of New Mexico to EPA, June 25, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application on September 25, 1989, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application on September 25, 1990, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 6 and the New Mexico Environmental Improvement Board, signed by the EPA Regional Administrator on September 13, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[61 FR 1217, Jan. 18, 1996]

§§ 282.82–282.83 [Reserved]

§ 282.84 North Dakota State-Administered Program.

(a) The State of North Dakota is approved to administer and enforce an underground storage tank program in lieu of the federal program under subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State’s program, as administered by the North Dakota Department of Health and Consolidated Laboratories, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the North Dakota program on October 11, 1991 and it was effective on December 10, 1991.

(b) North Dakota has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, North Dakota must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If North Dakota obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) North Dakota has final approval for the following elements submitted to EPA in North Dakota’s program application for final approval and approved by EPA on October 11, 1991. Copies may be obtained from the Underground Storage Tank Program, North Dakota Department of Health Consolidated Laboratories, 1200 Missouri Avenue, Bismarck, ND 58502–5520.

(1) *State Statutes and Regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

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(A) North Dakota Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) North Dakota Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: North Dakota Century Code (NDCC), Chapter 23-20.3, Sections 23-20.3-06, 23-20.3-07 and 23-20.3-09.

(B) The regulatory provisions include: North Dakota Administrative Code, Chapter 33-24-08, Sections 33-24-08-56, 33-24-08-57 and 33-24-08-98.

(2) *Statement of Legal Authority.* (i) "Attorney General's Statement for Final Approval", signed by the Attorney General of North Dakota on February 28, 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of North Dakota to EPA, February 28, 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of Procedures for Adequate Enforcement.* The "Demonstration of Procedures For Adequate Enforcement" submitted as part of the original application in April 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application in April 1991, though not incorporated by reference, are referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VIII and the North Dakota Department of Health and Consolidated Laboratories, signed by the EPA Regional Administrator on September 10,

1993, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[60 FR 32470, June 22, 1995]

§ 282.85 [Reserved]

§ 282.86 Oklahoma State-Administered Program.

(a) The State of Oklahoma is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Oklahoma Corporation Commission, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Oklahoma program on August 12, 1992 and it was effective on October 14, 1992.

(b) Oklahoma has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Oklahoma must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Oklahoma obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Oklahoma has final approval for the following elements submitted to EPA in Oklahoma's program application for final approval and approved by EPA on August 12, 1991. Copies may be obtained from the Underground Storage Tank Program, Oklahoma Corporation Commission, Jim Thorpe Building, Room 238, Oklahoma City, OK 73105.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph

are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Oklahoma Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Oklahoma Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include:

(1) *Oklahoma Statutes, Chapter 14: Oklahoma Underground Storage Tank Regulation Act*

§306 Corporation Commission—Powers and Duties

§310 Inspections and Investigations—Violations—Notice—Failure To Take Corrective Action—Notice and Hearing—Orders—Service of Instruments—Notice to Real Property Owner and Opportunity for Hearing

§312 Enforcement of Actions and Remedies—Action for Equitable Relief—Jurisdiction—Relief

(B) The regulatory provisions include:

(1) *Oklahoma Annotated Code, Chapter 25: Underground Storage Tanks, Subchapter 9: Inspections, Testing, and Monitoring*

Part 1: Inspections

Part 5: Penalties

Part 7: Field Citations

Part 9: Shutdown of Operations

(2) *Oklahoma Annotated Code, Chapter 27: Petroleum Storage Tank Release Indemnity Program, Subchapter 9: Administrative Provisions*

§ 165:27–9–1 Hearing, Orders, and Appeals

§ 165:27–9–2 Changes to Rules

§ 165:27–9–3 Notices

§ 165:27–9–4 Severability

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) *Oklahoma Statutes, Chapter 14: Oklahoma Underground Storage Tank Regulation Act*

§308 Permits—Necessity—Application—Issuance—Fees—Denial, Refusal to Issue, Suspension or Revocation—Financial Responsibility Coverage (Insofar as (B) applies to individuals other than UST system owners and operators.)

§318 Program for Certification of Underground Storage Tank Professionals—Meeting Training and Other Requirements for Federal Law and Regulations and State Statutes (Insofar as it applies to individuals other than UST owners and operators.)

(B) *Oklahoma Annotated Code, Chapter 25: Underground Storage Tanks*

(1) *Subchapter 1: General Provisions*

Part 9: Notification and Reporting Requirements (Insofar as 165:25–1–45 requires owners of exempt USTs to notify the Commission of the existence of such systems.)

(2) *Subchapter 3: Release Prevention, Detection, and Correction*

Part 9: Installation of Underground Storage Tank Systems (Insofar as 165:25–3–48 applies to individuals other than UST owners and operators.)

Part 19: Certification for UST Consultants (Insofar as it applies to individuals other than UST owners and operators.)

(2) *Statement of legal authority.* (i) “Attorney General’s Statement for Final Approval”, signed by the Attorney General of Oklahoma on June 21, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Oklahoma to EPA, June 21, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application on June 25, 1989, though

not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application on June 25, 1989, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 6 and the Oklahoma Corporation Commission, signed by the EPA Regional Administrator on April 8, 1992, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[61 FR 1221, Jan. 18, 1996]

§§ 282.87–282.88 [Reserved]

§ 282.89 Rhode Island State-Administered Program.

(a) The State of Rhode Island is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Rhode Island Department of Environmental Management, was approved by EPA pursuant to 42 U.S.C. 6991c and Part 281 of 40 CFR. EPA approved the Rhode Island program on January 11, 1993, and the approval was effective on February 10, 1993.

(b) Rhode Island has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under Sections 9005 and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Rhode Island must revise its approved program to adopt new changes to the federal Subtitle I program which make it more stringent, in accordance with Section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If

Rhode Island obtains approval for the revised requirements pursuant to Section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Rhode Island has final approval for the following elements submitted to EPA in Rhode Island's program application for final approval and approved by EPA on January 11, 1995. Copies may be obtained from the Underground Storage Tank Program, Rhode Island Department of Environmental Management, 291 Promenade Street, Providence, RI 02908. The elements are listed as follows:

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Rhode Island Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Rhode Island Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: Titles 46, 42, 38, 37, and 23 of the General Laws of Rhode Island, 1956, as amended.

(B) The regulatory provisions include: The State of Rhode Island Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials.

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) Titles 46, 42, 38, 37, and 23 of the General Laws of Rhode Island, 1956, as amended, insofar as they refer to registration and closure requirements for tanks containing heating oil consumed on the premises where stored; and farm or residential tanks less than or equal to 1,100 gallons containing motor fuels for non-consumptive use.

(B) Rhode Island Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials, Section 8, Facility Registration and Notification, and Section 15, Closure; insofar as they refer to tanks less than or equal to 1,100 gallons containing motor fuels for non-commercial use and for tanks containing heating oil consumed on the premises where stored.

(2) *Statement of legal authority.* (i) “Attorney General’s Statement for Final Approval and appendixes” signed by the Attorney General of Rhode Island on July 1, 1992, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Rhode Island to EPA July 1, 1992, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application in July 1992, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application in July 1992, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* On October 19, 1992, EPA and the Rhode Island Department of Environmental Management signed the Memorandum of Agreement. Though not incorporated by reference, the Memorandum of Agreement is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[61 FR 6320, Feb. 20, 1996]

§282.90 [Reserved]

§282.91 South Dakota State-Administered Program.

(a) The State of South Dakota is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State’s program, as administered by the South Dakota Department of Environment and Natural Resources, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the South Dakota program on March 16, 1995 and it was effective on May 15, 1995.

(b) South Dakota has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, South Dakota must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If South Dakota obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) South Dakota has final approval for the following elements submitted to EPA in South Dakota’s program application for final approval and approved by EPA on [insert date of publication]. Copies may be obtained from the Underground Storage Tank Program, South Dakota Department of Environment and Natural Resources, 523 East Capitol, Pierre, South Dakota 57501.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

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(A) South Dakota Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) South Dakota Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: South Dakota Codified Law, Water Pollution Control, Chapter 34A-2, Sections 46 and 48, Sections 72 through 75, Chapters 34A-10 and 34A-12.

(iii) The following statutory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) South Dakota statutes Annotated, Chapter 34A-2, Section 100, insofar as it applies to above ground stationary storage tanks, Section 102, insofar as it applies to installation of above ground stationary storage tanks, Section 101, insofar as it applies to corrective action for above ground stationary storage tanks.

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval", signed by the Attorney General of South Dakota on June 17, 1992, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of South Dakota to EPA, June 17, 1992, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the complete application in October 1993, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original appli-

cation in June 1992, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VIII and the South Dakota Department of Environment and Natural Resources, signed by the EPA Regional Administrator on February 23, 1995, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[60 FR 14336, Mar. 16, 1995]

§ 282.92 [Reserved]

§ 282.93 Texas State-Administered Program.

(a) The State of Texas is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Texas Natural Resource Conservation Commission, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the Texas program on March 7, 1995 and it was effective on April 17, 1995.

(b) Texas has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Texas must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Texas obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Texas has final approval for the following elements submitted to EPA in Texas' program application for final approval and approved by EPA on March 7, 1995. Copies may be obtained from the Underground Storage Tank Program, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, TX 78711-3087.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Texas Statutory Requirements Applicable to the Underground Storage Tank Program, 1995

(B) Texas Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include:

(1) *Texas Water Code, Title 2, Subtitle D, Chapter 26—State Water Administration.*

§ 26.013 Research, Investigations
 § 26.014 Power to Enter Property
 § 26.015 Power to Examine Records
 § 26.016 Enforcement Proceedings
 § 26.017 Cooperation
 § 26.019 Orders
 § 26.020 Hearing Powers
 § 26.021 Delegation of Hearing Powers
 § 26.022 Notice of Hearings; Continuance
 § 26.042 Monitoring and Reporting
 § 26.121 Unauthorized Discharges Prohibited
 § 26.122 Civil Penalty
 § 26.123 Enforcement by Commission
 § 26.124 Enforcement by Others
 § 26.125 Venue and Procedure
 § 26.126 Disposition of Civil Penalties
 § 26.136 Administrative Penalty
 § 26.212 Criminal Offense
 § 26.213 Criminal Penalty
 § 26.268 Penalties
 § 26.353 Commission Orders
 § 26.354 Emergency Orders
 § 26.356 Inspections, Monitoring, and Testing

(B) The regulatory provisions include:

(1) *31 Texas Administrative Code, Chapter 334—Underground and Aboveground Storage Tanks.*

Subchapter A: General Provisions

§ 334.11 Enforcement

§ 334.14 Memorandum of Understanding between the Attorney General of Texas and the Texas Natural Resource Conservation Commission

(2) *31 Texas Administrative Code, Chapter 337—Enforcement.*

(i) Subchapter A: Enforcement Generally.

§ 337.1 Enforcement Orders

§ 337.2 Hearings on Violations

§ 337.3 Legal Proceedings

§ 337.4 Complaint File

§ 337.5 Confidentiality of Enforcement Information

§ 337.6 Force Majeure

(ii) Subchapter B: Enforcement Hearings.

§ 337.31 Purpose

§ 337.32 Remedies

§ 337.33 Definitions

§ 337.34 Substantial Noncompliance and Emergency Conditions

§ 337.35 Emergencies

§ 337.36 Preliminary Enforcement Report

§ 337.37 Notice

§ 337.38 Answer

§ 337.39 Commission Action

§ 337.40 Appeals of Administrative Penalties

(iii) Subchapter C: Water Rights Enforcement.

§ 337.51 Show-Cause Enforcement Procedures

§ 337.52 Notice

§ 337.53 Enforcement of Commission Orders

§ 337.54 Enforcement

(3) *31 Texas Administrative Code, Chapter 265—Procedures Before Public Hearing.*

§ 265.1 Initial Pleadings

§ 265.2 Executive Director Forwards Initial Pleadings to the Commission

§ 265.3 Acceptance for Filing

§ 265.4 Affidavit of Publication

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§ 265.5 Effect of Failure to Furnish Affidavit

§ 265.6 Conference Before Hearing

§ 265.7 Recordation of Conference Action

§ 265.8 Prefiled Testimony and Exhibits

§ 265.9 Written Protest

§ 265.10 Discovery

§ 265.11 Forms of Discovery

§ 265.12 Scope of Discovery

§ 265.13 Exceptions

§ 265.14 Protective Orders

§ 265.15 Duty to Supplement

§ 265.16 Discovery of Documents and Things

§ 265.17 Interrogatories to Parties

§ 265.18 Admission of Facts and Genuineness of Document

§ 265.19 Requests for Requests for Information

§ 265.20 Sanctions for Failure to Comply with Discovery Ruling

(4) 31 Texas Administrative Code, Chapter 267—Procedures During Public Hearing.

§ 267.1 Designation of Parties

§ 267.2 Statutory Parties

§ 267.3 Rights of Parties at the Hearing

§ 267.4 Persons Not Parties

§ 267.5 Effect of Postponement

§ 267.6 Furnishing Copies of Pleadings

§ 267.7 Conference During Hearing

§ 267.8 Recordation of Hearing Conference Action

§ 267.9 Agreements to be in Writing

§ 267.10 Rulings in Commission Evidentiary Hearings

§ 267.11 Order of Presentation

§ 267.12 Alignment of Participants

§ 267.13 General Admissibility of Evidence

§ 267.14 Objections

§ 267.15 Interlocutory Appeals

§ 267.16 Cross-Examination of Witnesses

§ 267.17 Stipulation

§ 267.18 Exhibits

§ 267.19 Copies of Exhibits

§ 267.20 Abstracts of Documents

§ 267.21 Excluding Exhibits

§ 267.22 Official Notice

§ 267.23 Parties to be Informed of Material Officially Noticed

§ 267.24 Continuance

§ 267.25 Oral Argument

§ 267.26 Submittal of Findings of Fact and Conclusions of Law

(5) 31 Texas Administrative Code, Chapter 273—Procedures After Final Decision.

§ 273.1 Motion for Rehearing

§ 273.2 Reply to Motion for Rehearing

§ 273.3 Granting of Motion for Rehearing

§ 273.4 Modification of Time Limits

§ 273.5 Decision Final and Appealable

§ 273.6 Appeal

§ 273.7 The Record

§ 273.8 Costs of Record on Appeal

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) Texas Water Code, Title 2, Subtitle D, Chapter 26—State Water Administration.

(I) Subchapter I: Underground and Aboveground Storage Tanks.

§ 26.341 Purpose (Insofar as it applies to aboveground storage tanks.)

§ 26.342 Definitions (Insofar as (10) and (12) apply to aboveground storage tanks.)

§ 26.344 Exemptions (Insofar as (a), (d), and (f) apply to aboveground storage tanks.)

§ 26.3441 Aboveground Storage Tanks (Insofar as it applies to aboveground storage tanks.)

§ 26.345 Administrative Provisions (Insofar as (a) and (e) apply to aboveground storage tanks.)

§ 26.346 Registration Requirements (Insofar as (a) applies to aboveground storage tanks.)

§ 26.349 Reporting of Releases and Corrective Action (Insofar as (a) applies to aboveground storage tanks.)

§ 26.351 Corrective Action (Insofar as it applies to aboveground storage tanks.)

§ 26.3511 Corrective Action by the Commission (Insofar as it applies to aboveground storage tanks.)

§ 26.3514 Limits on Liability of Lender (Insofar as it applies to aboveground storage tanks.)

§ 26.3515 Limits on Liability of Corporate Fiduciary (Insofar as it applies to aboveground storage tanks.)

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§ 26.355 Recovery of Costs (Insofar as it applies to aboveground storage tanks.)

§ 26.358 Storage Tank Fund; Fees (Insofar as it applies to aboveground storage tanks.)

(B) 31 Texas Administrative Code, Chapter 334—Underground and Aboveground Storage Tanks.

(I) Subchapter A: General Provisions.

(j) Insofar as § 334.1(a)(1), (c), and (d)(2) apply to aboveground storage tanks.

(ii) Insofar as § 334.3(b) applies release reporting and corrective action requirements to certain hydraulic lift tanks that are exempt under the federal program.

(iii) Insofar as § 334.4 does not exclude airport hydrant fuel distribution systems and UST systems with field-constructed tanks; excludes only *sumps* less than 110 gallons, as opposed to all tanks; and does not provide a release detection deferral for UST systems that store fuel solely for use by emergency power generators.

(iv) Insofar as § 334.4 subjects wastewater treatment tank systems that are deferred in the federal rules to the registration, general operating requirements, and corrective action requirements.

(v) Insofar as § 334.4 requires USTs that store radioactive substances or are part of a nuclear power plant to comply with registration and general operating requirements.

(vi) Insofar as § 334.4 applies release reporting and corrective action requirements to certain hydraulic lift tanks that are exempt under the federal program.

(2) Subchapter F: Aboveground Storage Tanks (Insofar as it applies to aboveground storage tanks)

§ 334.121 Purpose and Applicability

§ 334.122 Definitions

§ 334.123 Statutory Exemptions

§ 334.124 Commission Exclusions

§ 334.125 General Prohibitions and Requirements

§ 334.126 Installation Notification

§ 334.127 Registration

§ 334.128 Annual Facility Fees

§ 334.129 Release Reporting and Corrective Action

§ 334.130 Reporting and Recordkeeping

§ 334.131 Enforcement

§ 334.132 Other General Provisions

(3) Subchapter I: Underground Storage Tank Contractor Certification and Installer Licensing (Insofar as it applies to individuals other than UST owners and operators)

§ 334.401 Certificate of Registration for UST Contractor

§ 334.402 Application for Certificate of Registration

§ 334.403 Issuance of Certificate of Registration

§ 334.404 Renewal of Certificate of Registration

§ 334.405 Denial of Certificate of Registration

§ 334.406 Fee Assessments for Certificate of Registration

§ 334.407 Other Requirements

§ 334.408 Exception to Registration Requirements

§ 334.409 Revocation, Suspension or Reinstatement of Certification of Registration and License

§ 334.410 Notice of Hearings

§ 334.411 Type of Hearing

§ 334.412 Subchapter I Definitions

§ 334.413 License for Installers and On-Site Supervisors

§ 334.414 License for Installers and On-Site Supervisors

§ 334.415 License A and License B

§ 334.416 Requirements for Issuance of License A and License B

§ 334.417 Application for License A and License B

§ 334.418 Notification of Examination

§ 334.419 License A and License B Examination

§ 334.420 Issuance of License A or License B

§ 334.421 Renewal of License

§ 334.422 Denial of License A or License B

§ 334.423 Fees Assessments for License A and License B

§ 334.424 Other Requirements for a License A and License B

§ 334.425 Exceptions to License A and License B Requirements

§ 334.426 Revocation, Suspension, or Reinstatement of a License A and License B

§ 334.427 Notice of Hearings

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§ 334.428 Type of Hearing

(4) Subchapter J: Registration of Corrective Action Specialists and Project Managers for Product Storage Tank Remediation Projects (Insofar as it applies to individuals other than UST owners and operators)

§ 334.451 Applicability of Subchapter J
§ 334.452 Exemptions from Subchapter J

§ 334.453 General Requirements and Prohibitions

§ 334.454 Exception for Emergency Abatement Actions

§ 334.455 Notice to Owner or Operator

§ 334.456 Application for Certificate of Registration for Corrective Action Specialist

§ 334.457 Application for Certificate of Registration for Corrective Action Project Manager

§ 334.458 Review and Issuance of Certificates of Registration

§ 334.459 Continuing Education Requirements for Corrective Action Project Managers

§ 334.460 Renewal of Certificate of Registration for Corrective Action Specialist and Corrective Action Project Manager

§ 334.461 Denial of Certificate of Registration

§ 334.462 Other Requirements

§ 334.463 Grounds for Revocation or Suspension of Certificate of Registration

§ 334.465 Procedures for Revocation or Suspension of Certificate of Registration

§ 334.466 Reinstatement of a Certificate of Registration

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval", signed by the Attorney General of Texas on January 11, 1994, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Texas to EPA, January 11, 1994, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the original application on April 28, 1994, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application on April 28, 1994, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 6 and the Texas Natural Resource Conservation Commission, signed by the EPA Regional Administrator on January 13, 1995, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[61 FR 1224, Jan. 18, 1996]

§ 282.94 Utah State-Administered Program.

(a) The State of Utah is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Utah Department of Environmental Quality, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the Utah program on March 8, 1995 and it was effective on April 7, 1995.

(b) Utah has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Utah must revise its approved program to adopt new changes to the federal subtitle I program which make it more

stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Utah obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Utah has final approval for the following elements submitted to EPA in Utah's program application for final approval and approved by EPA on March 8, 1995. Copies may be obtained from the Underground Storage Tank Branch, Utah Department of Environmental Quality, 168 North 1950 West, 1st Floor, Salt Lake City, Utah 84116.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Utah Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Utah Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: Utah Code Unannotated (1994), Title 19, Chapter 6, Sections 19-6-112; 19-6-113; 19-6-115; 19-6-402(8), (11), and (23); 19-6-404(2)(f), (j), and (m); 19-6-405.5; 19-6-407(2) and (3); 19-6-410(3) as it pertains to penalties, (4)(b), and (5); 19-6-416; 19-6-418; 19-6-420(2), (4)(a), (5)(b), and (9)(b); 19-6-424.5; 19-6-425; 19-6-426(5) and (6); and 19-6-427.

(B) The regulatory provisions include: Administrative Rules of the State of Utah, Utah Administrative Code (1993), Sections R311-208-1; R311-208-2; R311-208-3; R311-208-4; R311-208-5; and R311-208-6.

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: Utah Code Unannotated (1994), Title 19, Chapter 6, Sections 19-6-402 (3), (4), (9), (14), (15), (20), and (26); 19-6-403(1)(a) (i) and (iv); 19-6-404(2)(c); 19-6-405.5; 19-6-408; 19-6-409; 19-6-410; 19-6-411; 19-6-412; 19-6-414; 19-6-415; 19-6-416; 19-6-417; 19-6-419; 19-6-420 (1), (3)(a), (3)(b), (5)(c), and (6); 19-6-421; 19-6-422; 19-6-423; 19-6-424; and 19-6-426 (1) through (4) and (7).

(B) The regulatory provisions include: Administrative Rules of the State of Utah, Utah Administrative Code (1993), Sections R311-200-1 (2), (5), (8), (10), (13), (20), (29), (42) through (49), (53), and (54); R311-201-2; R311-201-1; R311-201-3; R311-201-4; R311-201-5; R311-201-6; R311-201-7; R311-201-8; R311-201-9; R311-201-10; R311-201-11; R311-203-2; R311-206-2 (b) and (c); R311-206-4; R311-206-5 (b), (c), (d), and the words "compliance or" in (a); R311-206-6; R311-207-1; R311-207-2; R311-207-3; R311-207-4; R311-207-5; R311-207-6; R311-207-7; R311-207-8; R311-207-9; R311-209-1; R311-209-2; R311-209-3; and R311-209-4.

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval", signed by the Attorney General of Utah on April 18, 1994, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Utah to EPA, April 18, 1994, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the complete application in September 1993, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application in September 1993, though not incorporated by reference, are referenced as part of the approved underground storage tank program under

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Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VIII and the Utah Department of Environmental Quality, signed by the EPA Regional Administrator on March 1, 1995, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[60 FR 52344, Oct. 6, 1995]

§ 282.95 Vermont State-Administered Program.

(a) The State of Vermont is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Vermont Department of Environmental Conservation, was approved by EPA pursuant to 42 U.S.C. 6991c and 40 CFR part 281. EPA approved the Vermont program on January 3, 1992, and the approval was effective on February 3, 1992.

(b) Vermont has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under Sections 9005 and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Vermont must revise its approved program to adopt new changes to the federal Subtitle I program which make it more stringent, in accordance with Section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Vermont obtains approval for the revised requirements pursuant to Section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this Subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Vermont has final approval for the following elements submitted to EPA in Vermont's program application for final approval and approved by EPA on January 3, 1992. Copies may be obtained from the Underground Storage

Tank Program, Vermont Department of Environmental Conservation, 103 South Main Street, West Building, Waterbury, VT 05671-0404. The elements are listed below:

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Vermont Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Vermont Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: Title 10 Vermont Statutes Annotated, Chapter 59, Sections 1931 through 1935.

(B) The regulatory provisions include: Vermont Environmental Protection Rules, Chapter 8, Sections 104 through 106.

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) Title 10 Vermont Statutes Annotated, Chapter 59, Section 1929, insofar as it refers to registration requirements for tanks greater than 1,100 gallons containing heating oil consumed on the premises where stored.

(B) Vermont Environmental Protection Rules, Chapter 8, Section 301, registration requirements, and Section 605(2), permanent closure requirements, insofar as they refer to tanks greater than 1,100 gallons containing heating oil consumed on the premises where stored.

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval," signed by the Attorney General of Vermont on April 11, 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Vermont to EPA, April 11, 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application in May 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application in May 1991, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* On March 2, 1992, EPA and the Vermont Department of Environmental Conservation signed the Memorandum of Agreement. Though not incorporated by reference, the Memorandum of Agreement is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[60 FR 47301, Sept. 12, 1995]

§§ 282.96—282.105 [Reserved]

APPENDIX A TO PART 282—STATE REQUIREMENTS INCORPORATED BY REFERENCE IN PART 282 OF THE CODE OF FEDERAL REGULATIONS

The following is an informational listing of the state requirements incorporated by reference in part 282 of the Code of Federal Regulations:

Arkansas

(a) The statutory provisions include:

1. *Arkansas Code Annotated, Title 8, Chapter 7, Subchapter 8—Regulated Substance Storage Tanks:*
 - Section 8-7-801 Definitions and exceptions
 - Section 8-7-803 Regulations generally
 - Section 8-7-804 Procedures of department generally
 - Section 8-7-807 Responsibility and liability of owner
 - Section 8-7-808 Regulated Substance Storage Tank Program Fund
 - Section 8-7-810 Insurance pools

Section 8-7-811 Trade secrets

Section 8-7-812 Subchapter controlling over other laws

Section 8-7-813 Registration

2. *Arkansas Code Annotated, Title 8, Chapter 7, Subchapter 9—Petroleum Storage Tank Trust Fund Act:*

Section 8-7-901 Title

Section 8-7-902 Definitions

Section 8-7-903 Rules and Regulations—Powers of department [Except (c), which addresses aboveground storage tanks.]

Section 8-7-904 Advisory committee

Section 8-7-905 Petroleum Storage Tank Trust Fund

Section 8-7-906 Petroleum environmental assurance fee

Section 8-7-907 Payments for corrective action

Section 8-7-908 Third-party claims

Section 8-7-909 Confidential treatment of information

(b) The regulatory provisions include:

1. *Arkansas Department of Pollution Control and Ecology Regulation Number 12—Storage Tank Regulation:*

a. Chapter 1: General Provisions

Section 1: Purpose

Section 2: Authority

Section 3: Short Title

b. Chapter 2: Regulations Promulgated Under Acts 172 and 173 of 1989 and Act 65 of the Third Extraordinary Session of 1989 for Administration of the State Regulated Storage Tank Program

Section 1: Incorporation of Federal Regulations

Section 2: Arkansas Petroleum Storage Tank Trust Fund Act

Section 3: Definitions

c. Chapter 3: Fees

Section 1: Underground and Aboveground Storage Tank Registration Fees [Except insofar as it applies to aboveground storage tanks.]

Section 2: Underground Storage Tank Licensing Fees

Section 3: Late Payment Penalties

Section 4: Refusal or Failure to Pay Fees

d. Chapter 4: Petroleum Storage Tank Trust Fund Release Reimbursement

Section 1: Purpose

Section 2: Amount of Reimbursement

Section 3: Initial Fund Eligibility

Section 4: Loss and Restoration of Initial Fund Eligibility

Section 5: Corrective Action Reimbursement Procedure

Section 6: Reimbursement Application Review

Section 7: Allowable Costs

Section 8: Reasonable Costs

Section 9: Audits

Section 10: Deductible

Section 11: Third Party Claim Reimbursement Procedure

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- Section 12: Compliance
- Section 13: Fund Availability
- Section 14: Cost Recovery
- e. Chapter 7: Confidentiality
 - Section 1: Confidentiality Requests
 - Section 2: Responsibility
 - Section 3: Submission Procedure
 - Section 4: Requirements for Protection
 - Section 5: Acceptability of Information
 - Section 6: Security
- f. Chapter 9: Severability
- g. Chapter 10: Effective Date

Georgia

(a) The statutory provisions include the Georgia Underground Storage Tank Act (GUSTA) (O.C.G.A. Section 12-13-1, *et seq.*):

- Section 12-13-2—Public policy.
- Section 12-13-3—Definitions.
- Section 12-13-4—Exceptions to chapter.
- Section 12-13-5—Rules and regulations; enforcement powers.
- Section 12-13-6—Powers and duties of director.
- Section 12-13-7—Performance standards applicable until rules and regulations effective.
- Section 12-13-8—Investigations.
- Section 12-13-9—Establishing financial responsibility; claims against guarantor; Underground storage Trust Fund.
- Section 12-13-10—Environmental assurance fees.
- Section 12-13-11—Corrective action for release of petroleum product into environment.
- Section 12-13-12—Recovery in event of discharge or threat of discharge of regulated substance.
- Section 12-13-13—Notice by owner of underground storage tank.
- Section 12-13-14—Corrective action for violations of chapter, rules, etc., and for release of regulated substance into environment.
- Section 12-13-15—Injunctions and restraining orders.
- Section 12-13-16—Hearings and review.
- Section 12-13-17—Judgement by superior court.
- Section 12-13-18—Required compliance with chapter; proof that petroleum subjected to environmental fee.
- Section 12-13-19—Violations; imposition of penalties.
- Section 12-13-20—Action in emergencies.
- Section 12-13-21—Public access to records.
- Section 12-13-22—Representation by Attorney General.

(b) The regulatory provisions include the Rules of Georgia Department of Natural Resources, Environmental Protection Division, Underground Storage Tank Management:

- Section 391-3-15-.01—General provisions. Amended.

- Section 391-3-15-.02—Definitions, UST Exclusions, and UST Deferrals. Amended.
- Section 391-3-15-.03—Confidentiality of Information. Amended.
- Section 391-3-15-.04—Interim Prohibition for Deferred UST Systems. Amended.
- Section 391-3-15-.05—UST Systems: Design, Construction, Installation and Notification. Amended.
- Section 391-3-15-.06—General Operating Requirements. Amended.
- Section 391-3-15-.07—Release Detection. Amended.
- Section 391-3-15-.08—Release Reporting, Investigation, and Confirmation. Amended.
- Section 391-3-15-.09—Release Response and Corrective Action for UST Systems Containing Petroleum. Amended.
- Section 391-3-15-.10—Release Response and Corrective Action for UST Systems Containing Hazardous Substances. Amended.
- Section 391-3-15-.11—Out-of-Service UST Systems and Closure. Amended.
- Section 391-3-15-.12—UST Systems Containing Petroleum; Financial Responsibility Requirements. Amended.
- Section 391-3-15-.13—Georgia Underground Storage Tank (GUST) Trust Fund. Amended.
- Section 391-3-15-.14—Enforcement.
- Section 391-3-15-.15—Variances.

Iowa

(a) The statutory provisions include Code of Iowa, 1993; Chapter 455B, Jurisdiction of Department:

- Section 101—Definitions
- Section 103—Director's duties, except for 455B.103(4)
- Section 105—Powers and duties of the commission, except for 105(5), 105(11)a(3) and 105(11)b
- Section 471—Definitions
- Section 472—Declaration of policy
- Section 473—Report of existing and new tanks—fee
- Section 473A—Petroleum underground storage tank registration amnesty program
- Section 474—Duties of Commission—rules
- Section 479—Storage tank management fee, except for the 2nd and 3rd sentences

(b) The regulatory provisions include Iowa Administrative Code, 1993, Rule 567, Environmental Protection Commission:

- Chapter 131.1—Definitions
- Chapter 131.2—Report of Hazardous Conditions
- Chapter 133.1—Scope
- Chapter 133.2—Definitions
- Chapter 133.3—Documentation of contamination and source
- Chapter 133.4—Response to contamination
- Chapter 133.5—Report to commission

Chapter 135.1—Authority, purpose and applicability
 Chapter 135.2—Definitions
 Chapter 135.3—UST systems—design, construction, installation, and notification, except for 135.3(4)a, 3(4)b and 3(4)c
 Chapter 135.4—General operating requirements
 Chapter 135.5—Release detection
 Chapter 135.6—Release reporting, investigation, and confirmation
 Chapter 135.7—Release response and corrective action for UST systems containing petroleum or hazardous substances
 Chapter 135.8—Site cleanup report
 Chapter 135.9—Out-of-service UST systems and closure
 Chapter 135.10—Laboratory analytical methods for petroleum contamination of soil and groundwater
 Chapter 135.11—Evaluation of ability to pay
 Chapter 136.1—Applicability
 Chapter 136.2—Compliance dates
 Chapter 136.3—Definition of terms
 Chapter 136.4—Amount and scope of required financial responsibility
 Chapter 136.5—Allowable mechanisms and combinations of mechanisms
 Chapter 136.6—Financial test of self-insurance
 Chapter 136.7—Guarantee
 Chapter 136.8—Insurance and risk retention group coverage
 Chapter 136.9—Surety bond
 Chapter 136.10—Letter of credit
 Chapter 136.11—Trust fund
 Chapter 136.12—Standby trust fund
 Chapter 136.13—Local government bond rating test
 Chapter 136.14—Local government financial test
 Chapter 136.15—Local government guarantee
 Chapter 136.16—Local government fund
 Chapter 136.17—Substitution of financial assurance mechanisms by owner or operator
 Chapter 136.18—Cancellation or nonrenewal by a provider of financial assurance
 Chapter 136.19—Reporting by owner or operator
 Chapter 136.20—Record keeping
 Chapter 136.21—Drawing on financial assurance mechanisms
 Chapter 136.22—Release from the requirements
 Chapter 136.23—Bankruptcy or other incapacity of owner or operator or provider of financial assurance
 Chapter 136.24—Replenishment of guarantees, letters of credit, or surety bonds.

Kansas

(a) The statutory provisions include Kansas Statutes Annotated, 1992; Chapter 65,

Public Health; Article 34, Kansas Storage Tank Act:

Section 100 Statement of legislative findings
 Section 101 Citation of Act
 Section 102 Definitions
 Section 103 Exceptions to application of Act
 Section 104 Notification
 Section 105 Rules and regulations, except for 65-34, 105 (a)(2), (a)(8), (a)(11), (a)(12) and the following words in (a)(13), “and aboveground storage tanks in existence on July 1, 1992” and “and aboveground storage tanks placed in service prior to July 1, 1992”
 Section 106 Permits to construct, install, modify, or operate storage tank, except for the following words in 65-34, 106(a), “and any aboveground storage tank registered with the department on July 1, 1992”
 Section 107 Evidence of financial responsibility required; limitation of liability
 Section 115 Liability for costs of corrective action
 Section 118 Corrective action; duties of owners and operators; duties of Secretary; consent agreement; contents, except for the following words in 65-34, 118(b), “or from the aboveground fund if the release was from an aboveground petroleum storage tank.” and “or from the aboveground fund, if the release was from an aboveground petroleum storage tank.”

(b) The regulatory provisions include Kansas Administrative Regulations, 1992; Chapter 28, Department of Health and Environment; Article 44, Petroleum Products Storage Tanks:

Section 12 General provisions
 Section 13 Program scope and interim prohibition
 Section 14 Definitions
 Section 15 Application for installation or modification of an underground storage tank
 Section 16 Underground storage tank systems: design, construction, installation and notification
 Section 17 Underground storage tank operating permit
 Section 19 General operating requirements
 Section 23 Release detection, except for 28-44-23(b)(5)
 Section 24 Release reporting, investigation, and confirmation
 Section 25 Release response and corrective action for underground storage tank systems containing petroleum or hazardous substances
 Section 26 Out-of-service underground storage tank systems and closure
 Section 27 Financial responsibility

Louisiana

(a) The statutory provisions include:

1. *Louisiana Environmental Quality Act, Louisiana Revised Statutes Title 30*
 - Section 2194 Underground Storage Tanks; Registration
 - Section 2195 Underground Storage Tank Trust Fund
 - Section 2195.1 Underground Motor Fuel Storage Tank Remediation Agreements
 - Section 2195.2 Uses of the Trust
 - Section 2195.3 Source of Funding; Limitations on Disbursements from the Trust; Limit on Amount in Trust
 - Section 2195.4 Procedures for Disbursements from the Fund Trust
 - Section 2195.5 Audits
 - Section 2195.6 Ownership of Trust
 - Section 2195.7 No Inference of Liability on the Part of the State
 - Section 2195.8 Advisory Board
 - Section 2195.9 Financial Responsibility
 - Section 2195.10 Voluntary Cleanup, Private Contracts; Exemptions
- (b) The regulatory provisions include:
 1. *Louisiana Environmental Regulatory Code, Part XI: Underground Storage Tanks, Chapter 1—Program Applicability and Definitions*
 - Section 101 Applicability
 - Section 103 Definitions
 2. *Chapter 3—Registration Requirements, Standards, and Fee Schedule*
 - Section 301 Registration Requirements
 - Section 303 Standards for UST Systems
 - Section 305 Interim Prohibitions for Deferred UST Systems
 - Section 307 Fee Schedule
 3. *Chapter 5—General Operating Requirements*
 - Section 501 Spill and Overfill Control
 - Section 503 Operation and Maintenance of Corrosion Protection
 - Section 505 Compatibility
 - Section 507 Repairs Allowed
 - Section 509 Reporting and Recordkeeping
 4. *Chapter 7—Methods of Release Detection and Release Reporting, Investigation, Confirmation, and Response*
 - Section 701 Methods of Release Detection
 - Section 703 Requirements for Use of Release Detection Methods
 - Section 705 Release Detection Recordkeeping
 - Section 707 Reporting of Suspected Releases
 - Section 709 Investigation due to Off-site Impacts
 - Section 711 Release Investigation and Confirmation Steps
 - Section 713 Reporting and Cleanup of Spills and Overfills
 - Section 715 Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances
 5. *Chapter 9—Out-of-Service UST Systems and Closure*
 - Section 901 Applicability to Previously Closed UST Systems
 - Section 903 Temporary Closure
 - Section 905 Permanent Closure and Changes-in-Service
 - Section 907 Assessing the Site at Closure or Changes-in-Service

6. *Chapter 11—Financial Responsibility*
 - Section 1101 Applicability
 - Section 1103 Compliance Dates
 - Section 1105 Definition of Terms
 - Section 1107 Amount and Scope of Required Financial Responsibility
 - Section 1109 Allowable Mechanisms and Combinations of Mechanisms
 - Section 1111 Financial Test of Self-Insurance
 - Section 1113 Guarantee
 - Section 1115 Insurance and Risk Retention Group Coverage
 - Section 1117 Surety Bond
 - Section 1119 Letter of Credit
 - Section 1121 Use of the Underground Motor Fuel Storage Tank Trust
 - Section 1123 Trust Fund
 - Section 1125 Standby Trust Fund
 - Section 1127 Substitution of Financial Assurance Mechanisms by Owner or Operator
 - Section 1129 Cancellation or Nonrenewal by a Provider of Financial Assurance
 - Section 1131 Reporting by Owner or Operator
 - Section 1133 Recordkeeping
 - Section 1135 Drawing on Financial Assurance Mechanisms
 - Section 1137 Release from the Requirements
 - Section 1139 Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance
 - Section 1141 Replenishment of Guarantees, Letters of Credit, or Surety Bonds

Maine

The following is an informational listing of the state requirements incorporated by reference in part 282 of the Code of Federal Regulations:

(a) The statutory provisions include: Maine Revised Statutes Annotated, 1990, Title 38, Subchapter 11-B Underground Oil Storage Facilities and Groundwater Protection.

- Section 561—Findings; Purpose
- Section 562—A—Definitions
- Section 563—Registration of underground oil storage tanks
 - Section 563—A—Prohibition of nonconforming underground oil storage facilities and tanks
 - Section 563—B—Regulatory powers of department
- Section 564—Regulation of underground oil storage facilities
- Section 566—A—Abandonment of underground oil storage facilities and tanks

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Section 567—Certification of underground tank installers
Section 568—Cleanup and removal of prohibited discharges
Section 568-A—Fund coverage requirements
Section 568-B—Fund Insurance Review Board
Section 569-A—Ground water Oil Clean-up Fund
Section 570—Liability

(b) The regulatory provisions include State of Maine, Department of Environmental Protection, Regulation for Registration, Installation, Operation and Closure of Underground Storage Facilities Chapter 691, September 16, 1991:

Section 1. Legal Authority
Section 2. Preamble
Section 3. Definitions
Section 4. Registration of Underground Oil Storage Tanks
Section 5. Regulation of Motor Fuel, Marketing & Distribution Facilities
 A. Applicability
 B. Design and Installation Standards for New and Replacement Facilities
 C. Retrofitting Requirements for Existing Facilities
 D. Monitoring, Maintenance, & Operating Procedures for Existing, New & Replacement Facilities & Tanks
 E. Facility Closure and Abandonment
Section 7. Regulation of Facilities for the Underground Storage of Waste Oil
 A. Applicability
 B. Design and Installation Standards
 C. Operation, Maintenance, Testing, Requirements for Existing, New and Replacement Facilities
 D. Closure & Abandonment of Waste Oil Facilities
Section 8. Regulation of Field Constructed Underground Oil Storage Tanks
Section 10. Regulation of Pressurized Airport Hydrant Piping Systems
Section 11. Regulations for Closure of Underground Oil Storage Facilities
 A. Facility Closure Requirements
 B. Temporarily Out of Service Facilities and Tanks
 C. Abandonment by Removal
 D. Abandonment by Filling in Place
 E. Notification Requirements
Section 12. Discharge and Leak Investigation, Response and Corrective Action Requirements
Section 13. Severability
Appendix A: Cathodic Protection Monitoring
Appendix B: Hydrostatic Piping Line Tightness Tests
Appendix C: Requirements for Pneumatic Testing
Appendix D: Installation of Underground Tanks

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Appendix E: Installation for Underground Piping
Appendix F: Specification for Ground Water Vertical Monitoring Wells
Appendix H: Monitoring and Obtaining Samples for Laboratory Analysis
Appendix J: Requirements for Abandonment by Removal
Appendix K: Requirements for Abandonment in Place

New Hampshire

(a) The statutory provisions include New Hampshire Revised Statutes Annotated 1955, 1990 Replacement Edition, and 1992 Cumulative Supplement, Chapter 146-C, Underground Storage Facilities:

Section 146-C:1 Definitions, except for the following words in 146-C:1. XII, "heating or."
Section 146-C:2 Discharges Prohibited.
Section 146-C:3 Registration of Underground Storage Facilities.
Section 146-C:4 Underground Storage Facility Permit Required.
Section 146-C:5 Records Required; Inspections.
Section 146-C:6 Transfer of Ownership.
Section 146-C:6-a Exemption.
Section 146-C:7 New Facilities.
Section 146-C:8 Prohibition Against Reusing Tanks.
Section 146-C:9 Rulemaking.
Section 146-C:11 Liability for Cleanup Costs; Municipal Regulations.
Section 146-C:12 Federal Assistance and Private Funds.

(b) The regulatory provisions include:

(1) New Hampshire Code of Administrative Rules (November 1990) Part Env-Ws 411, Control of Underground Storage Facilities:

Section 411.01 Purpose, except for the following words, "heating oils."
Section 411.02 Applicability, except for 411.02(d).
Section 411.03 Definitions.
Section 411.04 Registration.
Section 411.05 Change in Use.
Section 411.06 Information Required for Registration.
Section 411.07 Permit to Operate.
Section 411.08 Transfer of Facility Ownership.
Section 411.10 Financial Responsibility.
Section 411.11 Inventory Monitoring.
Section 411.12 Regulated Substance Transfers.
Section 411.13 Tightness Testing.
Section 411.14 Certification of Technicians Performing Tightness Tests.
Section 411.15 Tightness Test Failures.
Section 411.16 Unusual Operating Conditions.
Section 411.17 Temporary Closure.
Section 411.18 Permanent Closure.

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Section 411.19 Prohibition Against Reusing Tanks.
Section 411.20 Requirements for Approval of Underground Storage Systems.
Section 411.21 Tank Standards for New Underground Storage Systems.
Section 411.22 Piping Standards for New Underground Storage Systems.
Section 411.23 Secondary Containment for New Tanks.
Section 411.24 Secondary Containment for New Pressurized Piping.
Section 411.25 Spill Containment and Overfill Protection.
Section 411.26 Leak Monitoring for New Tanks.
Section 411.27 Leak Monitoring for New Underground Piping Systems.
Section 411.28 Installation of New Underground Storage Systems.
Section 411.29 Release Detection for Tanks Without Secondary Containment and Leak Monitoring, except for the following words in 411.29(a), "With the exception of on premise use heating oil systems."
Section 411.30 Release Detection for Piping.
Section 411.31 Operation of Leak Monitoring Equipment.
Section 411.32 Corrosion Protection for Steel Tanks.
Section 411.33 Corrosion Protection for Piping.
Section 411.34 Submission of Corrosion Protection Plan.
Section 411.35 Relining Steel Tanks.
Section 411.36 Repair of Fiberglass-Reinforced Plastic Tanks.
Section 411.37 Repair and Replacement of Piping Systems.
Section 411.38 Field Fabricated Tanks.
Section 411.39 Secondary Containment for Hazardous Substance Systems.
Section 411.40 Waivers.
(2) New Hampshire Code of Administrative Rules (November 1990) Part Env-Ws 412, Reporting and Remediation of Oil Discharges:
Section 412.01 Purpose.
Section 412.02 Applicability.
Section 412.03 Definitions.
Section 412.04 Notification.
Section 412.05 Initial Response Action.
Section 412.06 Abatement Measures.
Section 412.07 Free Product Removal.
Section 412.08 Initial Site Characterization.
Section 412.09 Investigation Due to Discovery of Discharges from Unknown Sources.
Section 412.10 Site Investigation.
Section 412.11 Site Investigation Report.
Section 412.12 Remedial Action Plan.
Section 412.13 Public Notification.
Section 412.14 Waivers.

New Mexico

- (a) The statutory provisions include:
1. New Mexico Statutes 1978 Annotated, Chapter 74, Environmental Improvement (1993 Replacement Pamphlet and 1994 Supplement)
 - a. Article 4: Hazardous Wastes
 - 74-4-1 Short Title
 - 74-4-2 Purpose
 - 74-4-3 Definitions
 - 74-4-3.1 Application of Act
 - 74-4-3.3 Hazardous Wastes of Other States
 - 74-4-4 Duties and Powers of the Board
 - 74-4-4.1 Hazardous Agricultural Waste; Duties and Responsibilities of the Department of Agriculture
 - 74-4-4.4 Underground Storage Tanks; Registration; Installer Certification; Fees [Except insofar as it applies to individuals other than UST owners and operators.]
 - 74-4-4.5 Hazardous Waste Fund Created; Appropriation
 - 74-4-4.7 Permit Applicant Disclosure
 - 74-4-4.8 Underground Storage Tank Fund Created; Appropriation
 - 74-4-5 Adoption of Regulations; Notice and Hearing
 - 74-4-7 Containment and Cleanup of Hazardous Substance Incidents; Division Powers
 - 74-4-8 Emergency Fund
 - 74-4-9 Existing Hazardous Waste Facilities; Interim Status
 - 74-4-10.1 Hazardous Waste Monitoring; Analysis and Testing
 - b. Article 6: Water Quality
 - 74-6-1 Short Title
 - 74-6-2 Definitions
 - 74-6-3 Water Quality Control Commission Created
 - 74-6-3.1 Legal Advice
 - 74-6-4 Duties and Powers of Commission
 - 74-6-5 Permits; Certification; Appeals to Commission
 - 74-6-5.1 Disclosure Statements
 - 74-6-5.2 Water Quality Management Fund Created
 - 74-6-6 Adoption of Regulations and Standards; Notice and Hearing
 - 74-6-8 Duties of Constituent Agencies
 - 74-6-9 Powers of Constituent Agencies
 - 74-6-12 Limitations
 - 74-6-13 Construction
 - 74-6-14 Recompiled
 - 74-6-15 Confidential Information; Penalties
 - 74-6-16 Effect and Enforcement of Water Quality Act During Transition
 - 74-6-17 Termination of Agency Life; Delayed Repeal
 - c. Article 6B: Ground Water Protection
 - 74-6B-1 Short Title
 - 74-6B-2 Findings; Purpose of Act
 - 74-6B-3 Definitions

- 74-6B-4 Underground Storage Tank Committee; Creation; Terms; Powers and Duties
- 74-6B-6 Civil Liability for Damage to Property from Leaking Underground Storage Tank
- 74-6B-7 Corrective Action Fund Created; Authorization for Expenditures
- 74-6B-8 Liability; Cost Recovery
- 74-6B-9 Underground Storage Tank Fee; Deposit in Underground Storage Tank Fund
- 74-6B-10 Act Does not Create Insurance Company or Fund
- 74-6B-12 Early Response Team Created
- 74-6B-13 Payment Program
- 74-6B-14 State Liability; Insufficient Balance in the Fund
- (b) The regulatory provisions include:
 1. State of New Mexico Environmental Improvement Board Underground Storage Tank Regulations
 - a. Part I: General Provisions
 - Section 100 Purpose
 - Section 101 Legal Authority
 - Section 102 Definitions
 - Section 103 Applicability
 - b. Part II: Registration of Tanks
 - Section 200 Existing Tanks
 - Section 201 Transfer of Ownership
 - Section 202 New UST System
 - Section 203 Substantially Modified UST Systems
 - Section 204 Notification of Spill or Release
 - Section 205 Emergency Repairs and Tank Replacement
 - Section 206 Application Forms
 - Section 207 Registration Certificate
 - c. Part III: Annual Fee
 - Section 300 Payment of Fee
 - Section 301 Amount of Fee
 - Section 302 Late Payment Penalties
 - d. Part IV: New and Upgraded UST Systems: Design, Construction, and Installation
 - Section 400 Performance Standards for New UST Systems
 - Section 401 Upgrading of Existing UST Systems
 - Section 402 Certificate of Compliance; Notification Requirements
 - e. Part V: General Operating Requirements
 - Section 500 Spill and Overfill Control
 - Section 501 Operation and Maintenance of Corrosion Protection
 - Section 502 Compatibility
 - Section 503 Repairs Allowed
 - Section 504 Reporting and Recordkeeping
 - Section 505 Inspections, Monitoring and Testing
 - f. Part VI: Release Detection
 - Section 600 General Requirements for All UST Systems
 - Section 601 Requirements for Petroleum UST Systems
 - Section 602 Requirements for Hazardous Substance UST Systems
 - Section 603 Methods of Release Detection for Tanks
 - Section 604 Methods of Release Detection for Piping
 - Section 605 Release Detection Record-keeping
 - g. Part VII: Release Reporting, Investigation, and Confirmation
 - Section 700 Reporting of Suspected Releases
 - Section 701 Investigation Due to Off-Site Impacts
 - Section 702 Release Investigation and Confirmation Steps
 - Section 703 Reporting and Cleanup of Spills and Overfills
 - h. Part VIII: Out-of-Service Systems and Closure
 - Section 800 Temporary Closure
 - Section 801 Permanent Closure and Changes-in-Service
 - Section 802 Assessing the Site at Closure or Change-in-Service
 - Section 803 Applicability to Previously Closed UST Systems
 - Section 804 Closure Records
 - i. Part IX: Financial Responsibility
 - Section 900 Applicability
 - Section 901 Compliance Dates
 - Section 902 Definition of Terms
 - Section 903 Amount and Scope of Required Financial Responsibility
 - Section 904 Allowable Mechanisms and Combinations of Mechanisms
 - Section 905 Financial Test of Self-Insurance
 - Section 906 Guarantee
 - Section 907 Insurance and Risk Retention Group Coverage
 - Section 908 Surety Bond
 - Section 909 Letter of Credit
 - Section 910 Use of State-Required Mechanism
 - Section 911 State Fund or Other State Assurance
 - Section 912 Trust Fund
 - Section 913 Standby Trust Fund
 - Section 914 Substitution of Financial Assurance Mechanisms by Owner or Operator
 - Section 915 Cancellation or Nonrenewal by a Provider of Financial Assurance
 - Section 916 Reporting by Owner or Operator
 - Section 917 Recordkeeping
 - Section 918 Drawing on Financial Assurance Mechanisms
 - Section 919 Release from the Requirements
 - Section 920 Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance
 - Section 921 Replenishment of Guarantees, Letters of Credit, or Surety Bonds
 - Section 922 Suspension of Enforcement [reserved]
 - j. Part XI: Miscellaneous

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- Section 1100 Compliance with Other Regulations
- Section 1101 Construction
- Section 1102 Severability
- k. Part XII: Corrective Action for UST Systems Containing Petroleum
 - Section 1200 General
 - Section 1201 Definitions
 - Section 1202 Initial Response
 - Section 1203 Initial Abatement
 - Section 1204 72 Hour and 7 Day Reporting Requirements
 - Section 1205 On-Site Investigation
 - Section 1206 Report on the On-Site Investigation
 - Section 1207 Split Samples and Sampling Procedures
 - Section 1208 Free Product Removal
 - Section 1209 Treatment of Highly Contaminated Soils
 - Section 1210 Hydrogeologic Investigation
 - Section 1211 Review and Approval of Hydrogeologic Investigation
 - Section 1212 Reclamation Proposal
 - Section 1213 Public Notice of Reclamation Proposal
 - Section 1214 Review and Approval of Reclamation Proposal
 - Section 1215 Implementation of Reclamation Proposal
 - Section 1216 Quarterly Reports
 - Section 1217 Evaluation of Corrective Action System
 - Section 1218 Modification of Reclamation Proposal
 - Section 1219 Termination of Reclamation
 - Section 1220 Technical Infeasibility for Completion of Reclamation
 - Section 1221 Request for Extension of Time
 - Section 1222 Request for Variance
- l. Part XIII: Corrective Action for UST Systems Containing Other Regulated Substances
 - Section 1300 General
 - Section 1301 Definitions
 - Section 1302 Initial Response
 - Section 1303 Initial Abatement
 - Section 1304 72 Hour and 7 Day Reporting Requirements
 - Section 1305 On-Site Investigation
 - Section 1306 Report on the On-Site Investigation
 - Section 1307 Split Samples and Sampling Procedures
 - Section 1308 Hydrogeologic Investigation
 - Section 1309 Review and Approval of Hydrogeologic Investigation
 - Section 1310 Reclamation Proposal
 - Section 1311 Public Notice of Reclamation Proposal
 - Section 1312 Review and Approval of Reclamation Proposal
 - Section 1313 Implementation of Reclamation Proposal
 - Section 1314 Quarterly Reports
 - Section 1315 Evaluation of Corrective Action System
 - Section 1316 Modification of Reclamation Proposal
 - Section 1317 Termination of Reclamation
 - Section 1318 Additional Water Quality Standards
 - Section 1319 Request for Extension of Time
 - Section 1320 Request for Variance
- m. Part XV: Ground Water Protection Act Regulations
 - Section 1500 Purpose
 - Section 1501 Legal Authority
 - Section 1502 Definitions
 - Section 1503 Construction
 - Section 1504 Permissible Fund Expenditures
 - Section 1505 Priorities for Fund Expenditures
 - Section 1506 Site-Specific Allocation of Fund Monies
 - Section 1507 Reserved and Dedicated Fund Monies
 - Section 1508 Minimum Site Assessment
- 2. Corrective Action Fund Payment and Reimbursement Regulations
 - a. Part I: General Provisions
 - Section 101 Authority
 - Section 102 Purpose
 - Section 103 Applicability
 - Section 104 Definitions
 - b. Part II: Compliance Determinations
 - Section 201 General
 - Section 202 Determination of Compliance under Section 74-6B-8
 - Section 203 Compliance Determination Following Written Submission
 - c. Part III: Eligible and Ineligible Costs
 - Section 301 Minimum Site Assessment
 - Section 302 Corrective Action
 - d. Part IV: Application, Payment, and Reimbursement
 - Section 401 Application, Payment, and Reimbursement Process
 - e. Part V: Administrative Review
 - Section 501 Review by the Director on Written Submittal
 - Section 502 Request for Hearing on Determinations of Compliance and Cost Eligibility
 - Section 503 Notice of Docketing and Hearing Officer Assignment; Motions; Prehearing Procedures and Discovery; Hearing and Post-Hearing Procedures
 - f. Part VI: Miscellaneous Provisions
 - Section 601 Liberal Construction
 - Section 602 Severability
 - Section 603 Compliance

North Dakota

- (a) The statutory provisions include: North Dakota Century Code (NDCC), Chapter 23-20.3, Hazardous Waste Management Act:
 - Section 23-20.3-01 Declaration of Purpose.
 - Section 23-20.3-02 Definitions.

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Section 23-20.3-03 Powers and Duties of the Department.
Section 23-20.3-04 Hazardous Waste Regulations.
Section 23-20.3-04.1 Underground Storage Tank Regulations.
Section 23-20.3-05 Permits.
Section 23-20.3-05.1 Fees—Deposit in Operating Fund.
Section 23-20.3-05.2 Commercial Facility Permits and Ordinances.
Section 23-20.3-08 Imminent Hazard.
Section 23-20.3-10 Applicability.

(b) The regulatory provisions include: North Dakota Administrative Code (NDAC), Chapter 33-24-08, Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks, Amended April 1992:

Section 33-24-08-01 Applicability.
Section 33-24-08-02 Interim Prohibition for Deferred Underground Storage Tank Systems.
Section 33-24-08-03 Definitions (Technical Standards and Corrective Action).
Section 33-24-08-10 Performance Standards for New Underground Storage Tank Systems.
Section 33-24-08-11 Upgrading of Existing Underground Storage Tank Systems.
Section 33-24-08-12 Notification Requirements.
Section 33-24-08-20 Spill and Overfill Control.
Section 33-24-08-21 Operation and Maintenance of Corrosion Protection.
Section 33-24-08-22 Compatibility.
Section 33-24-08-23 Repairs Allowed.
Section 33-24-08-24 Reporting and Recordkeeping.
Section 33-24-08-30 General Release Detection Requirements for All Underground Storage Tank Systems.
Section 33-24-08-31 Release Detection Requirements for Petroleum Underground Storage Tank Systems.
Section 33-24-08-32 Release Detection Requirements for Hazardous Substance Underground Storage Tank Systems.
Section 33-24-08-33 Methods of Release Detection for Tanks.
Section 33-24-08-34 Methods of Release Detection for Piping.
Section 33-24-08-35 Release Detection Recordkeeping.
Section 33-24-08-40 Reporting of Suspected Releases.
Section 33-24-08-41 Investigation Due to Offsite Impacts.
Section 33-24-08-42 Release Investigation and Confirmation Steps.
Section 33-24-08-43 Reporting and Cleanup of Spills and Overfills.
Section 33-24-08-50 General Release Response and Corrective Action for Underground Storage Tank Systems Containing Petroleum or Hazardous Substances.

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Section 33-24-08-51 Initial Response.
Section 33-24-08-52 Initial Abatement Measures and Site Check.
Section 33-24-08-53 Initial Site Characterization.
Section 33-24-08-54 Free Product Removal.
Section 33-24-08-55 Investigations for Soil and Ground Water Cleanup.
Section 33-24-08-60 Temporary Closure.
Section 33-24-08-61 Permanent Closure and Changes in Service.
Section 33-24-08-62 Assessing the Site at Closure or Change in Service.
Section 33-24-08-63 Applicability to Previously Closed Underground Storage Tank Systems.
Section 33-24-08-64 Closure Records.
Section 33-24-08-80 Applicability (financial responsibility).
Section 33-24-08-81 Financial Responsibility Compliance Dates.
Section 33-24-08-82 Definitions (financial responsibility).
Section 33-24-08-83 Amount and Scope of Required Financial Responsibility.
Section 33-24-08-84 Allowable Mechanisms and Combinations of Mechanisms.
Section 33-24-08-85 Financial Test of Self-Insurance.
Section 33-24-08-86 Guarantee.
Section 33-24-08-87 Insurance and Risk Retention Group Coverage.
Section 33-24-08-88 Surety Bond.
Section 33-24-08-89 Letter of Credit.
Section 33-24-08-92 Trust Fund.
Section 33-24-08-93 Standby Trust Fund.
Section 33-24-08-94 Substitution of Financial Assurance mechanisms by Owner or Operator.
Section 33-24-08-95 Cancellation or Non-renewal by Provider of Financial Assurance.
Section 33-24-08-96 Reporting by Owner or Operator.
Section 33-24-08-97 Recordkeeping.
Section 33-24-08-99 Release from Requirements.
Section 33-24-08-100 Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance.
Section 33-24-08-101 Replenishment of Guarantees, Letters of Credit, or Surety Bonds.

Oklahoma

- (a) The statutory provisions include
1. Oklahoma Statutes, Chapter 14: Oklahoma Underground Storage Tank Regulation Act
- Section 301 Short Title
Section 303 Definitions
Section 304 Exemptions
Section 305 Corporation Commission Designated as State Agency to Administer Certain Federal Programs

- Section 307 Corporation Commission—Promulgation of Rules Governing Underground Storage Tank Systems
- Section 308 Permits—Necessity—Application—Issuance—Fees—Denial, Refusal to Issue, Suspension or Revocation—Financial Responsibility Coverage (Except (B), which applies to individuals other than UST owners and operators.)
- Section 308.1 Underground Storage Tank Systems for Petroleum Products—Permit Fee—Penalty—Suspension or Non-renewal of Permit
- Section 309 Release from Underground Storage Tank System—Reports—Corrective Action—Powers, Duties and Procedures of Corporation Commission
- Section 313 Records, Reports and Informations—Public Inspection—Confidentiality—Disclosure to Federal or State Representatives
- Section 315 Corporation Commission Underground Storage Tank Regulation Revolving Fund
- Section 316 Ordinance or Regulations in Conflict with Act Prohibited
- Section 340 Storage Tank Advisory Council—Members—Quorum—Authority—Rules—Expenses
2. Oklahoma Statutes, Chapter 15: Oklahoma Petroleum Storage Tank Release Indemnity Program
- Section 350 Short Title—Maintenance, Operation and Administration
- Section 352 Definitions
- Section 353 Petroleum Storage Tank Release Environmental Cleanup Indemnity Fund
- Section 354 Assessments on Motor Fuels, Diesel Fuel and Blending Materials—Exemptions—Deposits in Funds
- Section 356 Collection, Remittance and Reporting of Assessments
- Section 356.1 Confidentiality of Records, Reports or Information—Schedule of Reimbursable Fees
- Section 357 Payment of Claim Subject to Indemnity Fund Acquiring Subrogation Rights—Administrator to Protect Indemnity Fund in Judicial and Administrative Proceedings—Notice of Lawsuit—Enforcement of Third Party Claim
- Section 358 Annual Reports
- Section 359 Audit Relating to Petroleum Storage Tank Release Environmental Cleanup Indemnity Fund
- Section 360 Limitation on Expenditures for Administrative Costs—Reports
- Section 361 Appointment of Administrator—Hiring of Employees—Temporary Workers and Contract Labor
- Section 365 Oklahoma Leaking Underground Storage Tank Trust Fund—Oklahoma Leaking Underground Storage Tank Revolving Fund—Appropriation, Budgeting and Expenditure of Monies—Payments from Funds—Costs of Actions—Emergencies—Reimbursement of Funds—Administrative Penalties
- (b) The regulatory provisions include
1. Oklahoma Annotated Code, Chapter 25: Underground Storage Tanks
- a. Subchapter 1: General Provisions
- Part 1: Purpose and Statutory Authority
- Part 3: Definitions
- Part 5: Scope of Rules
- Part 7: National Industry Codes
- Part 9: Notification and Reporting Requirements (Except 165:25-1-45, insofar as it requires owners of exempt USTs to notify the Commission of the existence of such systems.)
- b. Subchapter 3: Release Prevention, Detection, and Correction
- Part 1: Release Prohibition, Reporting and Investigation
- Part 3: Recordkeeping
- Part 5: Spill and Overfill Prevention Requirements
- Part 7: Compatibility
- Part 9: Installation of Underground Storage Tank Systems (Except 165:25-3-48, which applies to individuals other than UST owners and operators.)
- Part 11: Repairs to Underground Storage Tank Systems
- Part 13: Removal and Closure of Underground Storage Tank Systems
- Part 15: Corrective Action Requirements
- Part 17: Requirements for Corrosion Protection Systems
- c. Subchapter 5: Requirements for Existing Underground Storage Tank Systems
- d. Subchapter 7: Requirements for New Underground Storage Tank Systems
- Part 1: Design, Construction, and Installation Requirements
- Part 3: General Release Detection Methods and Service
- Part 5: Release Detection Methods and Devices for Petroleum Underground Storage Tank Systems
- e. Subchapter 9: Inspections, Testing, and Monitoring
- Part 3: Fees
- f. Subchapter 11: Administrative Provisions
- g. Subchapter 13: Financial Responsibility Requirements
- Part 1: Applicability
- Part 3: Definitions
- Part 5: Amount and Scope of Coverage
- Part 7: Financial Assurance
- Part 9: Financial Test of Self-Insurance
- Part 11: Guarantee
- Part 13: Insurance and Risk Retention Group Coverage
- Part 15: Surety Bond
- Part 17: Letter of Credit
- Part 19: State Fund or Other State Assurance
- Part 21: Trust Fund
- Part 23: Standby Trust Fund
- Part 25: Substitution of Financial Assurance Mechanisms

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- Part 27: Cancellation or Nonrenewal
- Part 29: Reporting
- Part 31: Recordkeeping
- Part 33: Drawing on Financial Assurance Mechanisms
- Part 35: Release from Subchapter 11 Requirements
- Part 37: Bankruptcy or Other Incapacity of Owner/Operator or Provider of Financial Assurance
- Part 39: Replenishment of Guarantees, Letters of Credit, or Surety Bonds
- h. Subchapter 15: Circle K Settlement Fund
 - Part 1: General Provisions
 - Part 3: Definitions
 - Part 5: Eligibility Requirements
 - Part 7: Reimbursement
- i. Appendices
 - Appendix A: Letter From Chief Financial Officer
 - Appendix B: Guarantee
 - Appendix C: Endorsement
 - Appendix D: Certificate of Insurance
 - Appendix E: Performance Bond
 - Appendix F: Irrevocable Standby Letter of Credit
 - Appendix G: Trust Agreement
 - Appendix H: Certification of Financial Responsibility
 - Appendix I: Certification of Valid Claim
 - Appendix J: Soil and Groundwater Remediation Index
 - Appendix K: Soil Cleanup Levels
 - Appendix L: Mean Annual Precipitation
 - Appendix M: Hydrologically Sensitive Area
 - Appendix N: Field Citation Fines
- 2. Oklahoma Annotated Code, Chapter 27: Indemnity Fund
 - a. Subchapter 1: General Provisions
 - Section 165:27-1-1 Purpose
 - Section 165:27-1-2 Definitions
 - Section 165:27-1-3 Scope
 - Section 165:27-1-4 Authority
 - Section 165:27-1-5 Citation of Rules
 - Section 165:27-1-6 Prescribed Forms
 - b. Subchapter 3: Eligibility Requirements
 - Section 165:27-3-1 General Requirements
 - Section 165:27-3-2 Eligible Person
 - Section 165:27-3-3 Eligible Release
 - c. Subchapter 5: Qualifications for Reimbursement
 - Section 165:27-5-1 Qualifications for Reimbursement
 - Section 165:27-5-2 Application for Reimbursement
 - Section 165:27-5-3 Application for Supplemental Reimbursement
 - d. Subchapter 7: Reimbursement
 - Section 165:27-7-1 Reimbursable Expenses
 - Section 165:27-7-2 Total Reimbursement
 - Section 165:27-7-5 Methods for Reimbursement
 - Section 165:27-7-6 Conditions for Reimbursement
 - Section 165:27-7-7 Exclusions from Reimbursement

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Section 165:27-7-8 Withholding Reimbursement

Rhode Island

- (a) The statutory provisions include Rhode Island Statute Title 46 of the General Laws of Rhode Island, 1956, as amended:
 - Chapter 12 Water Pollution
 - Chapter 12.1 Underground Storage Tanks
 - Chapter 12.3 The Environmental Injury Compensation Act
 - Chapter 12.5 Oil Pollution Control
 - Chapter 13.1 Groundwater Protection
 - Chapter 14 Contamination of Drinking Water
- (b) The statutory provisions include Title 42 of the General Laws of Rhode Island, 1956, as amended.
 - Chapter 35 Administrative Procedures
- (c) The statutory provisions include Title 38 of the General Laws of Rhode Island, 1956, as amended.
 - Chapter 2 Access to Public Records
- (d) The statutory provisions include Title 37 of the General Laws of Rhode Island, 1956, as amended.
 - Chapter 18 Narragansett Indian and Management Corp.
- (e) The statutory provisions include Title 23 of the General Laws of Rhode Island, 1956, as amended.
 - Chapter 19.1 Hazardous Waste Management
- (f) The regulatory provisions include State of Rhode Island, Agency of Natural Resources, Underground Storage Tank Regulations, February 1, 1991:
 - Section 1.00 Purpose
 - Section 2.00 Authority
 - Section 3.00 Superseded Rules and Regulations
 - Section 4.00 Severability
 - Section 5.00 Applicability
 - Section 6.00 Administrative Findings
 - Section 7.00 Definitions
 - Section 8.00 Facility Registration and Notification
 - Section 9.00 Financial Responsibility
 - Section 10.00 Minimum Existing Facility Requirements
 - Section 11.00 New Facility and Replacement Tank Requirements
 - Section 12.00 Facility Modification
 - Section 13.00 Maintaining Records
 - Section 14.00 Leak and Spill Response
 - Section 15.00 Closure
 - Section 16.00 Leak Detection Methods and Precision Tester Licensing Requirements
 - Section 17.00 Signatories to Registration and Closure Applications
 - Section 18.00 Transfer of Certificates of Registration or Closure
 - Section 19.00 USTs/Holding Tanks Serving Floor Drains

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Section 20.00 Variances
Section 21.00 Appeals
Section 22.00 Penalties
Appendix A
Appendix B
Appendix C

South Dakota

(a) The statutory provisions include South Dakota Statutes Annotated, Chapter 34A-2, Sections 98 and 99. Underground Storage Tanks:

Section 98 Underground storage tanks—Definitions.
Section 99 Underground storage tanks—Adoption of Rules—Violation.

(b) The regulatory provisions include State of South Dakota Administrative Rules, Chapter 74:03:28, Underground Storage Tanks, Department of Environment and Natural Resources, June 24, 1992:

Section 74:03:28:01 Definitions.
Section 74:03:28:02 Performance standards for new UST systems—General requirements.
Section 74:03:28:03 Upgrading of existing UST systems—General requirements and deadlines.
Section 74:03:28:04 Notification requirements for UST systems.
Section 74:03:28:05 Spill and overfill control.
Section 74:03:28:06 Operation and maintenance of cathodic protection.
Section 74:03:28:07 Compatibility.
Section 74:03:28:08 Repairs allowed—general requirements.
Section 74:03:28:09 Maintenance and availability of records.
Section 74:03:28:10 Release detection for all UST systems—general requirements and deadlines.
Section 74:03:28:11 Release detection requirements for petroleum UST systems.
Section 74:03:28:12 Release detection requirements for pressure piping.
Section 74:03:28:13 Recordkeeping.
Section 74:03:28:14 Release notification plan.
Section 74:03:28:15 Reported of suspected releases.
Section 74:03:28:16 Release investigation and confirmation.
Section 74:03:28:17 Off-site impacts and source investigation.
Section 74:03:28:18 General requirements for corrective action for releases from UST systems.
Section 74:03:28:19 Initial abatement requirements and procedures for releases from UST systems.
Section 74:03:28:20 Free product removal.
Section 74:03:28:21 Additional site investigation for releases from UST systems.
Section 74:03:28:22 Soil and groundwater cleanup for releases from UST systems.

Section 74:03:28:23 Reporting of releases from UST systems.
Section 74:03:28:28 Reporting of hazardous substance releases from UST systems.
Section 74:03:28:29 Temporary removal from use.
Section 74:03:28:30 Temporary closure.
Section 74:03:28:31 Permanent closure.
Section 74:03:28:32 Postclosure requirements.
Section 74:03:29:01 Applicability.
Section 74:03:29:23 Definitions.
Section 74:03:29:24 Financial responsibility rules.

Texas

(a) The statutory provisions include

1. Texas Water Code, Title 2, Subtitle D, Chapter 26—State Water Administration
 - a. Subchapter I: Underground and Aboveground Storage Tanks
Section 26.341 Purpose (Except insofar as it applies to aboveground storage tanks.)
Section 26.342 Definitions (Except insofar as (10) and (12) apply to aboveground storage tanks.)
Section 26.343 Regulated Substances
Section 26.344 Exemptions (Except insofar as (a), (d), and (f) apply to aboveground storage tanks.)
Section 26.345 Administrative Provisions (Except insofar as (a) and (e) apply to aboveground storage tanks.)
Section 26.346 Registration Requirements (Except insofar as (a) applies to aboveground storage tanks.)
Section 26.347 Tank Standards
Section 26.348 Leak Detection and Record Maintenance
Section 26.349 Reporting of Releases and Corrective Action (Except insofar as (a) applies to aboveground storage tanks.)
Section 26.350 Tank Closure Requirements
Section 26.351 Corrective Action (Except insofar as it applies to aboveground storage tanks.)
Section 26.3511 Corrective Action by the Commission (Except insofar as it applies to aboveground storage tanks.)
Section 26.3512 Owner or Operator Responsibility; Limitations on Fund Payments for Corrective Action
Section 26.3513 Liability and Costs: Multiple Owners and Operators
Section 26.3514 Limits on Liability of Lender (Except insofar as it applies to aboveground storage tanks.)
Section 26.3515 Limits on Liability of Corporate Fiduciary (Except insofar as it applies to aboveground storage tanks.)
Section 26.352 Financial Responsibility
Section 26.355 Recovery of Costs (Except insofar as it applies to aboveground storage tanks.)
Section 26.357 Standards and Rules
Section 26.3571 Eligible Owner or Operator

- Section 26.3572 Groundwater Protection Cleanup Program
- Section 26.3573 Petroleum Storage Tank Remediation Fund
- Section 26.35735 Claims Audit
- Section 26.3574 Fee on Delivery of Certain Petroleum Products
- Section 26.358 Storage Tank Fund; Fees (Except insofar as it applies to above-ground storage tanks.)
- Section 26.359 Local Regulation or Ordinance
- (b) The regulatory provisions include
- 1. 31 Texas Administrative Code, Chapter 334—Underground and Aboveground Storage Tanks
 - a. Subchapter A: General Provisions
 - Section 334.1 Purpose and Applicability (Except insofar as Section 334.1(a)(1), (c), and (d)(2) apply to aboveground storage tanks.)
 - Section 334.2 Definitions
 - Section 334.3 Statutory Exemptions (Except insofar as Section 334.3(b) applies release reporting and corrective action requirements to certain hydraulic lift tanks that are exempt under the federal program.)
 - Section 334.4 Commission Exclusions (Except insofar as Section 334.4: (1) Does not exclude airport hydrant fuel distribution systems and UST systems with field-constructed tanks; excludes only *sumps* less than 110 gallons, as opposed to all tanks; and does not provide a release detection deferral for UST systems that store fuel solely for use by emergency power generators; (2) Subjects wastewater treatment tank systems that are deferred in the federal rules to the registration requirements, general operating requirements, and corrective action requirements; (3) Requires USTs that store radioactive substances or are part of a nuclear power plant to comply with registration and general operating requirements; and (4) Applies release reporting and corrective action requirements to certain hydraulic lift tanks that are exempt under the federal program.)
 - Section 334.5 General Prohibitions
 - Section 334.6 Construction Notification
 - Section 334.7 Registration
 - Section 334.8 Certification
 - Section 334.9 Seller's Disclosure
 - Section 334.10 Reporting and Record-keeping
 - Section 334.12 Other General Provisions
 - b. Subchapter B: Underground Storage Tank Fees
 - Section 334.21 Fee Assessment
 - Section 334.22 Failure to Make Payment
 - Section 334.23 Disposition of Fees, Interest and Penalties
 - c. Subchapter C: Technical Standards
 - Section 334.41 Applicability
 - Section 334.42 General Standards
 - Section 334.43 Variances and Alternative Procedures
 - Section 334.44 Implementation Schedules
 - Section 334.45 Technical Standards for New UST Systems
 - Section 334.46 Installation Standards for New UST Systems
 - Section 334.47 Technical Standards for Existing UST Systems
 - Section 334.48 General Operating and Management Requirements
 - Section 334.49 Corrosion Protection
 - Section 334.50 Release Detection
 - Section 334.51 Spill and Overfill Prevention and Control
 - Section 334.52 UST System Repairs and Relining
 - Section 334.53 Reuse of Used Tanks
 - Section 334.54 Temporary Removal from Service
 - Section 334.55 Permanent Removal from Service
 - d. Subchapter D: Release Reporting and Corrective Action
 - Section 334.71 Applicability
 - Section 334.72 Reporting of Suspected Releases
 - Section 334.73 Investigation Due to Off-Site Impacts
 - Section 334.74 Release Investigation and Confirmation Steps
 - Section 334.75 Reporting and Cleanup of Surface Spills and Overfills
 - Section 334.76 Initial Response to Releases
 - Section 334.77 Initial Abatement Measures and Site Check
 - Section 334.78 Initial Site Characterization
 - Section 334.79 Free Product Removal
 - Section 334.80 Investigation for Soil and Groundwater Cleanup
 - Section 334.81 Corrective Action Plan
 - Section 334.82 Public Participation
 - Section 334.83 Emergency Orders
 - Section 334.84 Corrective Action by the Commission
 - Section 334.85 Management of Wastes
 - e. Subchapter E: Financial Responsibility
 - Section 334.91 Applicability
 - Section 334.92 Compliance Dates
 - Section 334.93 Amount and Scope of Required Financial Responsibility
 - Section 334.94 Allowable Mechanisms and Combinations of Mechanisms
 - Section 334.95 Financial Test of Self-Insurance
 - Section 334.96 Guarantee
 - Section 334.97 Insurance and Risk Retention Group Coverage
 - Section 334.98 Surety Bond
 - Section 334.99 Letter of Credit
 - Section 334.100 Trust Fund
 - Section 334.101 Standby Trust Fund
 - Section 334.102 Substitution of Financial Assurance Mechanisms by Owner or Operator

- Section 334.103 Cancellation or Non-renewal by a Provider of Financial Assurance
- Section 334.104 Reporting by Owner or Operator
- Section 334.105 Financial Assurance Recordkeeping
- Section 334.106 Drawing on Financial Assurance Mechanisms
- Section 334.107 Release from the Requirements
- Section 334.108 Bankruptcy or Other Incapacity of Owner or Operator of Provider of Financial Assurance
- Section 334.109 Replenishment of Guarantees, Letters of Credit, or Surety Bonds
- 6. Subchapter H: Interim Reimbursement Program
 - Section 334.301 Applicability of this Subchapter
 - Section 334.302 General Conditions and Limitations Regarding Reimbursement—Interim Period
 - Section 334.303 Time to File Application—Interim Period
 - Section 334.304 Who May File Application—Interim Period
 - Section 334.305 Where and How Documents Must Be Filed—Interim Period
 - Section 334.306 Form and Contents of Application—Interim Period
 - Section 334.307 Technical Information Required—Interim Period
 - Section 334.308 Allowable Costs and Restrictions on Allowable Costs—Interim Period
 - Section 334.309 Reimbursable Costs—Interim Period
 - Section 334.310 Requirements for Eligibility—Interim Period
 - Section 334.311 Determining the Number of Occurrences—Interim Period
 - Section 334.312 Owner/Operator Contribution
 - Section 334.313 Review of Application by Executive Director—Interim Period
 - Section 334.314 Executive Director's Fund Payment Report—Initial Period
 - Section 334.315 Protest of Fund Payment Report—Interim Period
 - Section 334.316 Formal Petition—Interim Period
 - Section 334.317 Hearing by the Commission—Interim Period
 - Section 334.318 Recovery of Costs—Interim Period
 - Section 334.319 Administrative Penalties and Other Actions—Initial Period
 - Section 334.320 Responsibilities of Owners and Operators—Interim Period
 - Section 334.321 Corrective Action by the Commission—Interim Period
 - Section 334.322 Subchapter H Definitions
- 7. Subchapter K: Petroleum Substance Waste
 - Section 334.481 Definitions
 - Section 334.482 General Prohibitions
 - Section 334.483 Disposal by Generator
 - Section 334.484 Registration Required for Petroleum-Substance Waste Storage or Treatment Facilities
 - Section 334.485 Authorization for Class C and Class D Facilities
 - Section 334.486 Exemptions
 - Section 334.487 Notification and Mobilization Requirements for Class B Facilities
 - Section 334.488 Effect on Existing Facilities
 - Section 334.489 Notice to Owners and Operators
 - Section 334.490 Public Notice
 - Section 334.491 Public Meetings for Class A Facilities
 - Section 334.492 Closure and Facility Expansion
 - Section 334.493 Location Standards for Class A Petroleum-Substance Waste Storage or Treatment Facilities
 - Section 334.494 Shipping Procedures Applicable to Generators of Petroleum-Substance Waste
 - Section 334.495 Recordkeeping and Reporting Procedures Applicable to Generators
 - Section 334.496 Shipping Requirements Applicable to Transporters of Petroleum-Substance Waste
 - Section 334.497 Shipping Requirements Applicable to Owners or Operators of Storage Treatment or Disposal Facilities
 - Section 334.498 Recordkeeping Requirements Applicable to Owners or Operators of Storage Treatment or Disposal Facilities
 - Section 334.499 Additional Reports
 - Section 334.500 Design and Operating Requirements of Stockpiles and Land Surface Treatment Units
 - Section 334.501 Reuse of Petroleum-Substance Waste
 - Section 334.502 Contaminant Assessment Program and Corrective Action
 - Section 334.503 Security
 - Section 334.504 Contingency Plan
 - Section 334.505 Emergency Procedures
 - Section 334.506 Closure Requirements Applicable to Class A and Class B Facilities
 - Section 334.507 General Requirements for Financial Assurance
 - Section 334.508 Mechanisms for Financial Assurance
 - Section 334.509 Liability Requirements for Class A and B Facilities
 - Section 334.510 Incapacity of Owners or Operators, Guarantors, or Financial Institutions
- 8. Subchapter L: Overpayment Prevention
 - Section 334.530 Purpose and Applicability of the Subchapter
 - Section 334.531 Responsibility of Recipients of Money from the PSTR Fund and Persons Paid by Recipients of Money from the PSTR Fund
 - Section 334.532 Payments
 - Section 334.533 Audits

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- Section 334.534 Notice of Overpayment
- Section 334.535 Objections to the Notice of Overpayment and Formal Petition for Hearing
- Section 334.536 Hearing by the Commission
- Section 334.537 Failure to Return Overpayment or Cooperative with Audit or Investigation
- Section 334.538 Administrative Penalties and Other Actions
- 9. Subchapter M: Reimbursable Cost Guidelines for the Petroleum Storage Tank Reimbursement Program
- Section 334.560 Reimbursable Cost Guidelines

Utah

(a) The statutory provisions include: Utah Code Unannotated (1994), Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, and Chapter 6, Part 4, Underground Storage Tank Act:

- Section 19-6-109 Inspections authorized.
- Section 19-6-402 Definitions, except (3), (4), (8), (9), (11), (14), (15), (20), (23), and (26).
- Section 19-6-402.5 Retroactive effect.
- Section 19-6-403 Powers and duties of board, except (1)(a) (i) and (iv).
- Section 19-6-404 Powers and duties of executive secretary, except (2)(c), (2)(f), (2)(j), and (2)(m).
- Section 19-6-407 Underground storage tank registration—Change of ownership or operation—Civil penalty, except (2) and (3).
- Section 19-6-413 Tank tightness test—Actions required after testing.
- Section 19-6-420 Releases—Abatement actions—Corrective actions, except (1) through (3)(b), (4)(a), (5) (b) and (c), (6), and (9)(b).
- (b) The regulatory provisions include:
 - (1) Administrative Rules of the State of Utah, Utah Administrative Code (1993):
 - Section R311-200-1 Definitions, except (2), (5), (8), (10), (13), (20), (29), (42) through (49), (53), and (54).
 - Section R311-202-1 Incorporation by Reference.
 - Section R311-203-1 Definitions.
 - Section R311-203-3 New Installations.
 - Section R311-203-4 Notification.
 - Section R311-204-1 Definitions
 - Section R311-204-2 Underground Storage Tank Closure Plan.
 - Section R311-204-3 Disposal.
 - Section R311-204-4 Subsequent Closure Notice.
 - Section R311-205-1 Definitions.
 - Section R311-205-2 Site Assessment Protocol.
 - Section R311-206-1 Definitions.
 - Section R311-206-2 Requirements for Issuance of Certificates, except (b) and (c).

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- Section R311-206-3 Application for Certificates.
- Section R311-206-5 Revocation and Re-issuance of Certificates, except (b), (c), (d), and the words “compliance or” in R311-206-5(a).

Vermont

(a) The statutory provisions include Vermont Statutes Annotated, 1992, Chapter 59. Underground Liquid Storage Tanks:

- Section 1921 Purpose.
- Section 1922 Definitions.
- Section 1923 Notice of New or Existing Underground Storage Tank.
- Section 1924 Integrity Report.
- Section 1925 Notice in Land Records.
- Section 1926 Unused and Abandoned Tanks.
- Section 1927 Regulation of Category One Tanks.
- Section 1928 Regulation of Large Farm and Residential Motor Fuel Tanks.
- Section 1930 Implementation; Coordination.
- Section 1936 Licensure of Tank Inspectors.
- Section 1938 Underground Storage Tank Trust Fund.
- Section 1939 Risk Retention Pool.
- Section 1940 Underground Storage Tank Incentive Program.
- Section 1941 Petroleum Cleanup Fund.
- Section 1942 Petroleum Distributor Licensing Fee.
- Section 1943 Petroleum Tank Assessment.
- Section 1944 Underground Storage Tank Loan Assistance Program.

(b) The regulatory provisions include State of Vermont, Agency of Natural Resources, Underground Storage Tank Regulations, February 1, 1991:

- (1) Subchapter 1: General.
 - Section 8-101 Purpose.
 - Section 8-102 Applicability.
 - Section 8-103 Severability.
- (2) Subchapter 2: Definitions.
 - Section 8-201 Definitions.
- (3) Subchapter 3: Notification and Permits.
 - Section 8-301 Notification, except for the following words in section 8-301(1), “Notification is also required for any tank used exclusively for on-premises heating that is greater than 1100 gallons in size.”
 - Section 8-302 Permits.
 - Section 8-303 Financial Responsibility Requirements.
 - Section 8-304 Petroleum Tank Assessment.
 - Section 8-305 Innovative Technology.
- (4) Subchapter 4: Minimum Standards for New and Replacements Tanks and Piping.
 - Section 8-401 General Requirements.
 - Section 8-402 Tanks—Design and Manufacturing Standards.

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- Section 8-403 Tanks—Secondary Containment.
- Section 8-404 Tanks—Release Detection.
- Section 8-405 Piping—Design and Construction.
- Section 8-406 Compatibility.
- Section 8-407 Spill and Overfill Prevention Equipment.
- Section 8-408 Installation.
- (5) Subchapter 5: Minimum Operating Standards for Existing Tanks and Piping.
 - Section 8-501 General Requirements.
 - Section 8-502 Spill and Overfill Prevention.
 - Section 8-503 Corrosion Protection of Metallic Components.
 - Section 8-504 Release Detection.
 - Section 8-505 Compatibility.
 - Section 8-506 Repairs.
- (6) Subchapter 6: Reporting, Investigation, Corrective Action and UST Closure.
 - Section 8-601 General Requirement, except for the following words, “Heating oil tanks greater than 1100 gallons capacity used exclusively for on-premise heating purposes are subject to the requirements for permanent closure in accordance with subsection 8-605(2).”
 - Section 8-602 Reporting.
 - Section 8-603 Release Investigation and Confirmation.
 - Section 8-604 Corrective Action.
 - Section 8-605 Closure of USTs.
 - Appendix A Groundwater Monitoring Requirements.
 - Appendix B Inventory Monitoring Procedures.
 - Appendix C Procedures for Manual Tank Gauging.
 - Appendix D Installation Requirements Applicable to New and Replacement UST Systems.

[58 FR 58625, Nov. 2, 1993, as amended at 59 FR 49213, Sept. 27, 1994; 60 FR 12633, Mar. 7, 1995; 60 FR 14336, Mar. 16, 1995; 60 FR 32471, June 22, 1995; 60 FR 47301, Sept. 12, 1995; 60 FR 52344, Oct. 6, 1995; 61 FR 1213, 1215, 1218, 1222, 1226, Jan. 18, 1996; 61 FR 4226, Feb. 5, 1996; 61 FR 6321, Feb. 20, 1996; 61 FR 6555, Feb. 21, 1996]

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